

JERSEY / JUDGMENT

AG -v- Allardice [2007] JRC 039 (15 February 2007)

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JUDGMENT

THE COMMISSIONER: 1. Allardice is 26 years old and he has but one minor offence. When stopped by police officers in Victoria Street, he admitted having, as he put it, about 100 pills which were contained in a Kleenex packet. He was arrested. 2. The Crown and defence have accepted that there were, in fact, 200 tablets and 100 of these were amphetamine. The rest were the intended ecstasy tablets. Apparently there had been a mistake by the dealer and Allardice intended to give the 100 amphetamine tablets back to the dealer in due course. 3. It is on the finding of the R -v- McGuinness

[1987] App. Ct. 303 3131 the House of Lords case in England that it is the intended handing back of the drugs to the drug dealer that makes the concept of intent to supply. 4. We have read with what we can only describe as increasing interest, the detailed letters of recommendation from many people, there were ten of them in all, including Allardice's present employers. 5. He has also voluntarily submitted to drug tests which have proved, on all occasions, to be negative. He also consented to weekly counselling while adhering to a very strict bail period. 6. According to Mr MacRae, Allardice had paid his rental to date and we assume that he would be able to move back to that accommodation in due course. He is apparently re-united with his girlfriend. We have listened with great care to all that was said by both parties and, of course, we have read the Reports. He is apparently at a low risk of re-offending. 7. We are going to take a very unusual course, because whilst this Court has to discourage drug dealing at all costs, we feel that this particular matter can be dealt with on an individualised basis. You are going to serve 240 hours' Community Service on all three counts, with a binding over order for 12 months which will include a drug treatment order that requires mandatory attendance and abstinence from illegal drugs confirmed by both randomised and routine drug testing. 8. This is not going to be easy but if you fail you must know that 240 hours' Community Service is the equivalent of 18 months' imprisonment. We order the forfeiture and destruction of the drugs. Authorities R -v- McGuinness [1987] App. Ct. 303 3131. Page Last Updated: 26 Jun 2015 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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