

JERSEY / JUDGMENT

AG v Barr [2003] JRC 042 (21 February 2003)

[2003] JRC 042

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JUDGMENT

THE BAILIFF: 1. This defendant has pleaded guilty to possession whilst on remand at La Moye Prison of a small personal quantity of cannabis valued at about £8.50. The facts are unimportant except that the circumstances of the defendant's apprehension might have led an objective observer to suspect that another individual was just as closely involved in the offence as the defendant. Be that as it may, the defendant was charged with this offence in July, 2002.

Unfortunately, as a result of an error on the part of the prosecution, it was not dealt with at the same time as other offences involving the trafficking of Class A drugs for which the defendant was sentenced to 9 years' imprisonment in December, 2002. 2. The Court wishes to make it quite clear that the possession of drugs in La Moye Prison is a very serious offence which will inevitably lead to a custodial sentence which in the generality will be consecutive to any other sentence which is imposed upon that prisoner. 3. The Court agrees with the observations of the Deputy Bailiff in *A. G. -v- Miah* (12 January 2001) Jersey Unreported [2001/11] when the Court stated that a sentence imposed for possession of drugs at La Moye Prison must be a meaningful sentence. We do not consider that the sentence of 1 month's imprisonment moved for by the Crown Advocate is a meaningful sentence. We propose therefore to increase the conclusions to a sentence of 3 months' imprisonment. 4. Having said that, the particular circumstances of this case, in particular the value of the guilty plea to which both counsel have referred, and the mistake on the part of the prosecution which led to this not being dealt with when it should have been in December, 2002, have persuaded us that we should, exceptionally, make the sentence concurrent with the sentence already being served. 5. The sentence of the Court, therefore, is one of 3 months' imprisonment but it will be concurrent to the existing sentence of 9 years imprisonment. Authorities Whelan: *Aspects of Sentencing in the Superior Courts of Jersey* (2nd Ed'n): pp.81-85. Roberts (1997) 2 Cr. App. R (S) 187. Appleton

[1999] 2 Cr. App. R (S) 289. *A. G. -v- Miah* (12th January, 2001) Jersey Unreported; [2001/11]. Page
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