

JERSEY / JUDGMENT

AG v Butler [2000] JRC 1A (07 January 2000)

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[2000] JRC 1A [New search] [Help] 2000/1A pages ROYAL COURT (Samedi Division) 7th January, 2000. Before: F. C. Hamon, Esq., Deputy Bailiff and Jurats Le Ruez and Le Brocq. The Attorney General -v- Oliver Robert Butler. count of: possession of a controlled drug, contrary to Article 6(1) of the Misuse of Drugs (Jersey) Law, 1978 : Count 1: diamorphine; counts of: driving whilst disqualified, contrary to Article 9(4)(b), as amended, of the Road Traffic (Jersey) Law, 1956 (counts 2, 5); counts of: using a motor vehicle uninsured against third party risks, contrary to Article 2(1), as amended, of the Motor Traffic (Third Party Insurance)(Jersey) Law, 1948 (counts 3, 6, 7); count of: driving without due care and attention, contrary to Article 15, as amended of the Road Traffic (Jersey) Law, 1956 (count 4); count of failing to notify change of ownership of a motor vehicle, contrary to Article 11(2) of the Motor Vehicle (Jersey) Law 1993 (count 8). The Defendant was also in breach of a 2 year Probation Order imposed by the Magistrates Court on 7th May, 1999, for the offences of possessing controlled drugs, cannabis, (2 charges), ecstasy (1 charge), possession of offensive weapon, dangerous driving, taking and driving away and using a motor vehicle without insurance Age : 20. Plea: Guilty Details of Offence: Defendant seen driving by Police Officer on mobile patrol who recognised the Defendant and was aware he had recently been disqualified from driving. The officer gave chase and the Defendant was stopped in St Brelade's Parish Hall car park. The Defendant threw 2 packets out of the car window, subsequently found to be heroin. It was established that the Defendant was driving his girlfriend's motor car whilst disqualified and without insurance. Further enquiries revealed that on a previous occasion the Defendant had also been driving a different motor vehicle whilst uninsured. Details of Mitigation: Relative youth. Guilty plea. Co-operation with the police. Poor educational upbringing. Defendant wished to have Naltraxone treatment in connection with his heroin addictions. In Youth custody since 17th July, 1999. Previous Convictions: Numerous, including previous for possession and importation of controlled drugs including class A. Conclusions: Count 1: 6 month's Youth Detention Count 2: 1 months' Youth Detention; 6 month's disqualification from driving. Count 3: 1 months' Youth Detention; 6 month's disqualification from driving. Count 4: £150

fine or 3 week's Youth Detention, consecutive in default of payment Count 5: 1 months' Youth Detention; 6 month's disqualification from driving. Count 6: 1 months' Youth Detention; 6 month's disqualification from driving. Count 7: 1 months' Youth Detention; 6 month's disqualification from driving. Count 8: £10 fine or 3 days Youth Detention consecutive in default of payment. Sentences on counts 2, 3, 5, 6, & 7 to run concurrently with each other; disqualification from driving sentences to run concurrently. Probation Order discharged; drugs to be forfeited and destroyed. Sentence & Observations of the Court: Starting point of 12 month's submitted by Crown is correct. No exceptional circumstances. In view of the Defendants wish to undergo treatment for a drug addiction Court envisaged difficulties if Youth Custody sentence imposed as Defendant would be released immediately having served sentence whilst on remand. Court of view that serious driving offences merit disqualification. Count 1 to 8: On each count Defendant bound over to be of good behaviour for 6 months on condition that he reside with his family at their address during the whole period and on condition that he undergo Naltraxone treatment as directed by and to the satisfaction of Mr Saunders of the Drugs and Alcohol Service. Disqualification from driving for 6 month's concurrent on counts 2, 3, 4, 5, 6, and 7. Probation Order discharged. Drugs forfeited and destroyed. D. E. . Le Cornu, Esq., Crown Advocate; Advocate A. Messervy for the accused. NO RECORDED JUDGMENT NO AUTHORITIES Authorities Page Last Updated: 19 Aug 2015 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII URL: https://www.bailii.org/je/cases/UR/2000/2000_1A.html

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