

JERSEY / JUDGMENT

AG v Fannon [2005] JRC 033 (24 March 2005)

[2005] JRC 033

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JUDGMENT

THE DEPUTY BAILIFF: 1. This defendant took possession of some 35 kilos resin and hid it in a cupboard to which he had access. He was to look after it for a few days for a dealer in return for the sum of £5,000. He had debts at the time and there had been a down turn in his trade, so he did it for financial reasons. 2. In mitigation he has pleaded guilty and he did so at the earliest opportunity. That stands him in good stead. He has a previous record, but no previous drug offences and in particular he has committed no offences at all since 1992. He has a good work record and we have seen a reference. He is remorseful and we accept that, both from his letter and from the contents of the Social Enquiry Report to which we paid careful attention. 3. In our judgment the Crown has allowed sufficient mitigation save in one respect. The Crown said that in its opinion the guilty plea did not merit a full reduction. We have to say we do not see why it does not merit a full reduction. These drugs were found in a place other than his home. Admittedly it was a cupboard to which he and his brother had access to the padlock, but it would clearly have been open to him to run an argument that he did not know the drugs were there. We are not, of course, suggesting that such an argument would have succeeded but, nevertheless, it seems to us that this is just the sort of case which is intended to be covered by the conventional discount for a guilty plea, and we see no reason why he should not receive one-third. In the circumstances, therefore, we vary the conclusions slightly. 4. On Count 1, you will be sentenced to 5½ years' imprisonment. On Count 2, one month. On Count 3, 3 months' imprisonment, all those concurrent and we order the forfeiture and destruction of the drugs. Authorities A. G. -v- McMahon (27 th April, 2000) Jersey Unreported; [2000/74]. A. G -v- Clarke (24 th July, 2001) Jersey Unreported; [2001/155]. Prentice -v- A. G . [2004]JCA008. Whelan: Aspects of Sentencing in the Superior Courts of Jersey (2 nd Ed'n): pp. 15 -17. A. G. -v- Baglin [2003]JRC085. A. G. -v- Harris (4 th December 1995) Jersey Unreported; [1995/238]. Page Last Updated: 14 Jul 2016 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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