

JERSEY / JUDGMENT

AG v Griffin and Buckley

COURT

ROYAL COURT

BEFORE

Sir Philip Bailhache, Bailiff, and Jurats

Bullen, Le Breton, Allo, Clapham, Morgan and Newcombe.

The Attorney General

-v-

Stephen John Griffin;

Ross Scott Buckley.

Sentencing by the

Superior Number of the Royal Court, to which the Defendants were remanded by the Inferior Number on 10th December, 2004, following guilty pleas,

as follows:-

Stephen John

Griffin

1 count of:

Supplying a controlled drug contrary to

Article 5 (b) of the Misuse of Drugs (Jersey)

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ROYAL COURT

(Samedi Division)

20th January, 2005

Before:

Sir Philip Bailhache, Bailiff, and Jurats

Bullen, Le Breton, Allo, Clapham, Morgan and Newcombe.

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Law 1978:	Count 1: diamorphine. Age: 45.
Details of Offence:	Supply by Griffin to Buckley of 107 grams of heroin with a 35% purity of Diamorphine. Street value of between £32,000 and £48,000. Handover of drugs by Griffin was within one hour of arrival in Jersey.
Details of Mitigation:	Guilty plea; no previous drug offences.
Previous Convictions:	Nothing relevant.
Conclusions:	8 years' imprisonment. (Starting point: 10 years' imprisonment).
Sentence and Observations of Court:	Conclusions granted. Ross Scott Buckley 1 count of: Possession of a controlled drug, with intent to supply contrary to Article 6 (2) of the Misuse of Drugs (Jersey) Law 1978: Count 2: diamorphine. Age: 20.
Details of Offence:	See: Griffin.
Details of Mitigation:	Guilty plea; kept off drugs whilst in prison on remand.
Previous Convictions:	Possession of drugs, 2 counts, malicious damage, 3 counts.
Conclusions:	8 years' youth detention. (Starting point: 10 years' youth detention).
Sentence and Observations of Court:	6 years' youth detention. R.G. Morris, Esq., Crown Advocate. Advocate Mrs S.A. Pearmain for S.J. Griffin. Advocate C.M. Fogarty for R.S. Buckley.

JUDGMENT

THE BAILIFF: 1. These defendants have pleaded guilty to supplying heroin and to possession with intent to supply respectively. Griffin arrived in Jersey by air on the evening of 23rd June and travelled to an hotel. 2. A short time later, he went for a walk and sat on a bench overlooking the sea. Buckley arrived and introduced himself to Griffin. A little later after Griffin gave Buckley a package containing 106 grams of heroin with a street value of between £32,000 and £48,000. Shortly afterwards both men were arrested. 3. This was a substantial quantity of heroin with a diamorphine content of 35%. Applying the guideline cases, we agree with the Crown Advocate that the appropriate starting point is one of 10 years' imprisonment. 4. Dealing first with Buckley. He is aged 20 and the provisions of the Criminal Justice (Young Offenders) (Jersey) Law 1994 apply. Article 4 provides that a Court shall not pass a sentence of youth detention unless it considers that no other method of dealing with him is appropriate because it appears to the Court *inter alia* that the offence is so serious that a non-custodial sentence cannot be justified. 5. The Court has no doubt that that provision of the 1994 law applies and that possession with intent to supply this quantity of heroin is so serious that a non-custodial penalty cannot be justified. There is, however, much to be said in mitigation. Buckley's brother was a heroin addict, currently serving a lengthy sentence of imprisonment; and Buckley grew up in the shadow of this affliction which the family has suffered. The Court has taken very much into account the efforts made by the family to support and to encourage Buckley to sever the relationships and malign influences which have led him similarly into addiction. 6. Buckley, we think that a greater allowance can be made for the mitigating factors of your youth and your efforts to reform yourself than have been made by the Crown. We hope you appreciate the devastation that can be caused by heroin, and that you will never again spread that devastation by being party to the supply of this terrible drug. The sentence of the Court is that you will be detained for a period of 6 years and I explain to you as required by the Young Offenders Law that the reason for that sentence is that the offence which you have committed is so serious that we cannot avoid dealing with you in that way. 7. Griffin, we have considered very carefully the letters from you and from your girlfriend, and the Court has some sympathy for the difficulties which you have experienced in your personal life. On the other hand, you have prevaricated with the police and with the Court and instructed your counsel to put forward a wholly implausible story, which you have now sensibly withdrawn. 8. In mitigation you have pleaded guilty to the indictment. The supply of heroin is a very serious matter, as you know, and we think that the appropriate and proper allowance has been made for the mitigating factors by the Crown Advocate. You are accordingly sentenced to 8 years' imprisonment. We order the forfeiture and destruction of the drugs. Authorities Criminal Justice (Young Offenders) (Jersey) Law 1994: Article 4. *Rimmer, Lusk & Bade -v- A.G.* [2001JLR373].

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