

JERSEY / JUDGMENT

AG -v- Hall [2008] JRC 043 (13 March 2008)

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JUDGMENT

THE commissioner: 1. The Courts made it clear in the case of AG v Campbell and Others

[1995] JLR 136, that it would play its part in suppressing the evil of drug trafficking, which has the capacity to wreak havoc in the lives of individual abusers, often young lives, and their families, by metering out condign punishment to those who deal in drugs on a commercial basis and thus to mark the peculiar heinous and anti-social nature of the crime. 2. The defendant has pleaded guilty to supplying ecstasy and we agree with the prosecution that applying the guidelines of Bonnar, 7 years' imprisonment is the appropriate starting point. If that were not bad enough the defendant then re-offended on bail committing two road traffic offences and a further drug offence involving possession of, admittedly, a very small quantity of cannabis. 3. In particular this is his second offence of driving without insurance, and he lied in his explanation to the police. There is much mitigation in favour of the defendant. He has, of course, pleaded guilty and this is his first conviction for drugs. He admitted the intention to supply the drugs when he might have argued that the tablets were of a personal amount. He is very young, he is only just turned 21 - he was 19 when the drugs offences were committed and 20 when the later offences were committed. 4. There has also been a delay of 8 months from his first interview or arrest in February through to October of last year, and it is clear that the report on the telephones was received by the police sometime in April or May. There was a further 6 months until he was interviewed again, simply because, as we understand it, the police were too busy on other matters. We regard this as very regrettable particularly in the case of a young offender. 5. In our view the number of tablets is of course very low, some 21 tablets, and we conclude that the defendant had a low and naïve involvement in the drug trade. We are very pleased to note the support of his parents. We have been impressed by the letters that you have written and that your father has written. You have expressed remorse and an intention to change, which we think is best evidenced by the fact that you have obtained and maintained employment for coming up to a year now. 6. After very anxious consideration we have been persuaded to give you a chance and your youth is a key factor in that decision. You have made a start and you must repay the trust that we are now going to put in you by never ever coming before this Court again. You must also understand that you will almost certainly not get another chance from this Court if we see you again. 7. In terms of the sentences and the counts against you, you are sentenced as

follows. Under the First Indictment, on Count 1 you will serve 240 hours' Community Service, which is the equivalent of 18 months' imprisonment. On Count 3 you will serve 40 hours' Community Service which is the equivalent of 1 month's imprisonment, concurrent. In relation to the Second Indictment on Count 1, you will serve 20 hours' Community Service which is the equivalent of 2 weeks' imprisonment, concurrent. On Count 2 you will serve 40 hours' Community Service which is equivalent to 1 month's imprisonment, concurrent and on Count 2 you will service 100 hours Community Service which is the equivalent of 4 months' imprisonment, concurrent making a total sentence of 240 hours' Community Service. You will also be disqualified from driving for 12 months. 8. We order the forfeiture and destruction of the drugs seized in this case. 9. I must give you a further warning on top of what I have already said if during the period of your Community Service you offend again then you will stand to be sentenced on these offences and you will almost certainly go to prison. 10. We order costs of £360 to be paid to the prosecution. Authorities AG v Campbell and Others

[1995] JLR 136 . Bonnar and Noon -v- Attorney General

[2001] JLR 626 . Criminal Justice (Young Offenders)(Jersey) Law 1994. Road Traffic (Jersey) Law 1956. Motor Traffic (Third Party Insurance)(Jersey) Law 1948. AG v McShane

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