

JERSEY / JUDGMENT

AG v Hasson [2003] JRC 153 (05 September 2003)

[2003] JRC 153

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JUDGMENT

THE DEPUTY BAILIFF: 1. As can be seen from the time the Court has been considering this matter we have not found it easy. You have been given many chances by the Court and you have not hitherto taken advantage of them. It seemed on reading the papers that prison must be the only result. 2. Your advocate has put forward a very powerful case on your behalf. He has told us of your background which is significant in this case. It is clear that you have a serious drug problem but that you have made determined efforts to change. In particular we are impressed with the efforts you have made in prison. We refer to the support of your girlfriend which is critical, and of your employer and of the various reports, all of which suggest that you really are determined to conquer this problem, and that you have realised that if you do not do it soon, indeed now, then you will be returning to prison repeatedly. Your good employment record also stands you in good stead. 3. Not without some hesitation, we have decided not to send you to prison. We are, therefore, going to impose a Probation Order of 12 months concurrent on each charge save the charge of driving without a licence. We are not going to impose a condition that you undertake a SMART course but we note that it is the intention of the Probation Service that you should. 4. We are also going to impose as a condition to the Probation Order a Treatment Order, as recommended by the Alcohol and Drug Service, which is that you must attend the Alcohol and Drug Service for a period of 6 months; you must remain abstinent from illicit drugs, verified by routine random urine analysis; and you must comply with the treatment goals as determined by the Drug and Alcohol Service. 5. Those two measures, therefore, are intended to help you address your drug problem and your other problems, but the Court must also mark this matter by way of a punishment because you have come within an ace of a prison sentence. 6. We are therefore going to impose a Community Service Order which means that you will have to carry out work at weekends in your time in order to help the community. We intend to impose a total of 230 hours which is the equivalent of 17 months. We state that we consider the Crown's conclusions on imprisonment absolutely correct both as to their total and as to the way in which they were made up by concurrent and consecutive sentences. 7. For the purposes of community service the sentence will be as follows: count 1, 50 hours; count 2, 50 hours; both of those to be concurrent; count 3, 180 hours; count 4, 5 hours, both of those to be concurrent, but consecutive to counts 1 and 2; making a total, therefore, of 230 hours. For convenience we will not impose

community service on the other charges for the breaches. That leaves only count 4 of the breach offences, driving without a licence, where we fine you £100, we give you 2 months to pay so that you have time to get established, but then you will have to pay it and we impose a prison sentence of one week in default. 8. The Court has given you a considerable chance here; it is up to you with the support of your girlfriend, the Probation Service and the Drug and Alcohol Service to take advantage of it. If you commit any further offences, if you do not comply with the Probation Order, or the Drug and Alcohol, if you do not turn up when you must to do the Community Service, if you breach these Orders in any way you will be brought back here and I have to tell you that it seems inevitable in those circumstances that you would go to prison and the Court has indicated the length of prison sentence it would be likely to impose. We discharge all existing orders and order the forfeiture and destruction of the drugs. Authorities A. G. -v- Young (1980) JJ 281. A. G. -v- Buesnel

[1996] JLR 265 . Gregory -v- A. G.

[1997] JLR 1 . A. G. -v- Roche (4 th July, 1997) Jersey Unreported [1997/125]. Whelan: Aspects of Sentencing in the Superior Court of Jersey (2 nd Ed'n); paragraphs 164-179: Class a drug for personal consumption. Page Last Updated: 18 Jun 2015 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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