

JERSEY / JUDGMENT

AG v Hussain [2007] JRC 182 (27 September 2007)

[2007] JRC 182

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JUDGMENT

THE DEPUTY BAILIFF: 1. You are a heroin addict who has failed, over the years, to respond to treatment, and in particular you were sentenced to 2½ years' imprisonment in relation to possession of drugs and were released only in March 2006. Yet now here you are before us for an offence related to possession with intent to supply of 259 grams of heroin. 2. When interviewed at the time you gave no explanation of what you were doing with this heroin plus some money which was found in your flat. However you now say that you were minding them for someone else and the Court accepts that and sentences you on that basis. 3. There is clearly no alternative to prison in this case and the Court agrees that the correct starting point is one of 11 years, having regard to the quantity of drugs and your involvement. 4. In mitigation you have pleaded guilty, although your initial interview was to give no comment, and therefore you cannot get any additional mitigation for co-operation at that time. We have read your letter carefully and we note that you say this offence was committed because of threats which were made to you. However the Court has repeatedly said that those who, by the illegal use of drugs, get themselves into a position where threats are subsequently made cannot plead in mitigation that those threats have caused them to carry out drug dealing activities. We have read all the reports and we have carefully considered your letter and all that your Advocate has said, but we are satisfied that the Crown has made sufficient deduction from the starting point to reflect the mitigation available. Indeed in some respects you could be said to be fortunate that the motoring offences are being dealt with concurrently with the drug offences, as they are quite different, but we agree that in the overall circumstances that is the right course. We are going to make some minor reductions to the motoring offences for the reason put forward by your Advocate. 5. On Count 1; 4 months' imprisonment, on Count 2; 6 months' imprisonment, on Count 3; 6 months' imprisonment, on Count 6; 7 years' imprisonment, all of those to be concurrent, so that is a total of 7 years. 6. We disqualify you from driving for 3 years and we order the forfeiture and destruction of the drugs.

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