

JERSEY / JUDGMENT

AG v Manson [2008] JRC 108 (04 July 2008)

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JUDGMENT

THE commissioner: 1. This case has had a long history. On the 23 rd August, 2007, in the afternoon, plain clothes Police Officers saw Manson, who is 32 years old, with her co-accused Buckley, receiving something from Buckley. She attempted to kick it into the street, but it was retrieved by the plain clothes Police Officers and it contained heroin. Two further wraps were found on Buckley. While waiting in Library Place for the Police van, Manson's mobile phone went off and after a struggle she managed to throw it down a drain. It has not been retrieved. 2. After lying to the Police, Manson finally admitted that she had purchased 2 '50' bags from Buckley for £100. She also eventually admitted that she had thrown away the mobile phone because there was evidence in it that she had arranged to meet Buckley at the store where she was arrested. 3. The Crown has accepted that the heroin was for personal use, but forensic evidence had to be obtained for other reasons, and that partly explains the long delay. Addiction has clearly, as the Crown Advocate says, blighted her life for the past 13 years. We have examined her criminal record, which is not good, but it is perhaps significant that she has not received a custodial sentence in the past. She has been a heroin user since the age of 19, and although her last possession offence was in December 2005, she has, as the Crown Advocate says, been effectively using heroin for the past 3 years. 4. Manson does not have the benefit of youth, nor is she of good character. The Probation office says that she is at medium risk of re-offending, but she is not, according to the Alcohol and Drugs Service, a suitable candidate for a community treatment order. 5. We have examined Whelan on his passage "Possession for Personal Possession" and studied the cases that have been presented to us. 6. Advocate Hopwood, in Defence, has told us of the horrific background to Miss Manson's life. Her sister is in India and she had booked a ticket for £495 to meet her there. This is lost, of course, because of this case. She has written us a two page letter which is very detailed and her daughter is going to be 15 tomorrow. She has been offered a Grace Trust flat, in which she is living, she has re-established a close relationship with her daughter. The two younger children, of 5 and 9, are being cared for elsewhere, although she does see her 9 year old daughter in the evenings at weekends. According to Advocate Hopwood, who has spoken to Mr Gafoor, of the Drug Treatment Department, it appears that a treatment order would be setting her up to fail. 7. Now we are, despite Crown Advocate Gollop's most reasoned arguments, going to give you a Probation Order. That Probation Order is for 6 months, and you must attend the "Offending is not the choice" programme which will revisit some of the lessons that you learnt on the SMART programme. We note that your performance previously,

while on probation, was very good. 8. If you breach your probation order you will go to prison, we do not want this to happen. 9. We order the forfeiture and destruction of the drugs.

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