

JERSEY / JUDGMENT

AG -v- Mills [2009] JRC 235 (04 December 2009)

[2009] JRC 235

Source: bailii.org · Research copy typeset by Esheria. Not court-issued or certified.

JUDGMENT

THE DEPUTY BAILIFF: 1. You are before the Court in relation to various drug offences and in particular, offences relating to the growing of cannabis plants and as has been said by the Court on a previous occasion, and quoting from the case of AG-v-Louis and others

[2008] JRC 032 :- "Growing cannabis plants requires a quite deliberate and continuing intention to break the law and it is a serious offence for that reason alone". In the Louis case it was clear that the plants, had they grown to maturity, would have produced a significant quantity of strong cannabis with a street value of not less than £10,000. 2. In your case the Court has proceeded on the basis that 50% of these cannabis plants would have been for personal use and that the remaining 50%, and I did not understand from your counsel that this was in dispute, would have been available for others and therefore would amount in terms to drug trafficking on your part and, as the Court has reiterated many time previously, drug trafficking is a very serious offence. 3. We have taken into account the references which you have passed up through your counsel which are very good references and we have also proceeded upon the basis that you deserve full credit for the guilty plea which has been entered. 4. We have also treated you as being of good character and taking those matters into account, the Court thinks that the right sentence in respect of Counts 8 and 9 would have been, if it had been a custodial prison sentence, a sentence of 18 months' imprisonment and on the remaining Counts the sentences as moved for by the Crown. However, the Court considers that an alternative to custody is possible and we intend to impose a Community Service Order in place of a custodial sentence. 5. The Court has taken into account the fact that you have served 8 months in custody on remand and for that reason the Court will now order you to perform 160 hours' community service. That sentence is imposed on Counts 8 and 9. As to the remaining counts, the Community Service Orders will be imposed in accordance with the community service equivalent to the Crown's conclusions for a custodial sentence, in each case will run concurrently. 6. I wish to say something about Count 1 which is that normally the count for obstructing the police in the execution of their duty would not only result in a custodial sentence, but also would be a consecutive sentence to the sentence on the other counts which are completely different. Nonetheless, the Court is applying the totality

principle and is therefore going to look at the matter in the round and the sentence of community service in relation to Count 1 is therefore a concurrent sentence with the other sentences, so the total Community Service Order that is being imposed is 160 hours' community service. 7. I would like to make it absolutely clear to you that if there is any breach of the Community Service Order then you are liable to be brought back to the Court and sentenced for all these offences afresh. The Court does not expect that to happen. We are impressed by the references and by the recommendation in the background reports but you should be well aware that if there is any lapse in that respect then you will be liable to be brought back to Court and the normal circumstance there would be that the Court would look very closely indeed at imposing the custodial sentences which otherwise would have been imposed today. 8. We order the forfeiture and destruction of the drugs and the hydroponic equipment. Authorities AG-v-Louis and others

[2008] JRC 032 . Campbell, Molloy and Mackenzie-v-AG

[1995] JLR 136 . AG-v-Hansen and Karczewski

[2007] JRC 055 . AG-v-Bisson

[2009] JRC 151 . AG-v-Jeffrey 1996/002. Page Last Updated: 29 Jul 2016 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://www.bailii.org/je/cases/UR/2009/>

CASE PAGE <https://chat.esheria.ai/case-law/jersey/ag-v-mills-2009-jrc-235-04-december-2009>

Prepared on 26 October 2026 · Esheria