

JERSEY / JUDGMENT

AG -v- Munro [2011] JRC 121 (24 June 2011)

[2011] JRC 121

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JUDGMENT

THE DEPUTY BAILIFF: 1. You are here to be sentenced on an Indictment which contains six counts but, as it were, three parcels of offences. The first is obstructing a police officer in the execution of his duty, the second obstructing the police officer and also possession of BZP and the fifth count, which is the most serious, of possession of 1500 BZP tablets with intent to supply. 2. The Court has not yet had to deal frequently with charges of possession of Class C drugs with intent to supply but we note that the States have legislated for a maximum sentence of 5 years' imprisonment and we think therefore that, in principle, the offence crosses the custody threshold, in other words the probability is that with offences of this kind the Court will pass a custodial sentence. In our view this case clearly passes the custody threshold, not just for the amount of BZP tablets involved, but also the number of offences, the fact that there are these three sets of offences. 3. I will take Count 5 first because that is the most serious charge. Given the maximum sentence of 5 years' imprisonment we think an appropriate starting point here would be 2 years rather than the 3 years which the Crown has moved for. Having regard to all the mitigation which you have had very well advanced by your counsel, we think that the right sentence is 12 months' imprisonment on that Count. We have certainly given full credit for the guilty plea and then given some extra relief from the starting point for the other mitigating things which can be said and have been said on your behalf. We do not propose to impose any separate sentence on Count 6 so that couple of offences will result in 12 months' imprisonment. On the other counts, we think that on Count 1 the sentence of 1 month's imprisonment is correct and we so order. On Counts 2, 3 and 4 we are reducing slightly the conclusions of the Crown, on Count 2 we sentence you to 2 months' imprisonment, on Count 3; 1 month's imprisonment and on Count 4; 2 months' imprisonment. Counts 2, 3 and 4 will run concurrently with each other but consecutively to Count 1 and Count 5 runs consecutively to the earlier counts so the result is 1 month on Count 1, an aggregate of 2 months' on Counts 2, 3 and 4, and 12 months' on Count 5, making a total of 15 months' imprisonment. 4. We have considered whether or not it would be right to impose a Community Service Order as an alternative but we have rejected that. We have had regard to all the materials which are in the sentencing bundle including your failure to respond to non-custodial sentences in the past and we think it is right to impose the custodial sentence. The time which you have served already will be taken into account when you come to be released and it will allow you to draw a line under this offending and start again, and the Court earnestly recommends to you that you take advantage of all the facilities which the prison offers

to help you in that start that you need to make again in some months time. 5. We order the forfeiture and destruction of the drugs. Authorities AG-v-Mooney and Cunningham

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