

JERSEY / JUDGMENT

AG -v- Phillips [2014] JRC 023 (24 January 2014)

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JUDGMENT

THE DEPUTY BAILIFF: 1. You are here to be sentenced on an Indictment which contains two counts, one of supplying cannabis and the other of being in possession of cannabis and, as a result of those charges, you are also in breach of the Court's orders made on the 15 th February, 2013, when you were ordered to perform some community service and put on probation for a period of 18 months for offences which also involved the supply and possession of drugs and being concerned in the supply of drugs. 2. Can I remind you of what we said in February last year:- "It has been a very close judgment call for the Court but in this case we are not going to impose a custodial sentence. I emphasise to you that the usual approach where somebody is being sentenced for being concerned in the supply of controlled drugs of this quantity, would be for a custodial sentence to be imposed in lieu." And then at the end I said:- "I warn you that if you do not perform the Community Service you are liable to be brought back to this Court and liable then to have a custodial sentence imposed." Now, in addition, we have been told that, quite apart from the offences which are on the present Indictment, the Solicitor-General had decided to refer you back to this Court for breach of those orders. 3. The Court has considered anxiously what it should do. We have noted everything that your counsel has said and looked very carefully at the references which you have given. On the one hand the Court's orders must be respected and you were given a chance last February; on the other hand the fact is that you have performed an amount of the community service which was then ordered and, at least for some of that time, showed that you were prepared to work with the Probation Department and you have been back in touch with them regularly since last August. 4. With a great deal of hesitation we are going to give you an absolutely final chance. I would like to emphasise to you how absolutely final this Court considers it is and that if you breach the orders which we are now about to make, you will be brought back to this Court and it would be quite extraordinary if a future Court did not impose custody as a result. We do so because we are taking, at face value, your commitment that you have expressed in your letter to us and through what your counsel has said, that you are going to abstain from cannabis use. You must realise that if you do not abstain you are continuing to commit criminal offences and the Court will have no option at that stage but to impose custody. So I do emphasise the finality of this warning to you. 5. We are going to introduce some additional punishment for the breach of the Court's orders on the last occasion. You have 55

hours from that previous order left to serve in respect of community service and we are going to add a further 20 hours' community service for breach of that order. We are also going to impose a sentence of 50 hours' community service on Count 1, 1 month's imprisonment would have been the imprisonment that we would have imposed if we had not imposed community service and there will be 40 hours' community service or 7 days on Count 2, which runs concurrently with Count 1 and those totals are consecutive to the breach proceedings. So in summary you will have 75 hours from the breach proceedings and 50 hours from the present Indictment, making a total of 125 hours' community service yet to serve. We are also going to put you on probation for a further period of 12 months from today and you must follow such courses as the probation officer directs and the Act of Court will include, at the discretion of the Probation Service, the ability to require you to take random cannabinoid tests. 6. This is quite a long way, in fact, from being a let-off, it is going to be hard work for you. We recognise that and we urge you to take advantage of this final warning because that is the way that you can return to having the 5 years or so offence-free that you had before last February. 7. We order the forfeiture and destruction of the drugs.

Authorities AG-v-Phillips

[2013] JRC 036A . Louis v AG

[2010] JLR N 45. Louis-v-AG

[2010] JRC 170 . Page Last Updated: 23 Sep 2016 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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