

JERSEY / JUDGMENT

AG -v- Phillips [2015] JRC 033 (13 February 2015)

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JUDGMENT

THE BAILIFF: 1. You were before this Court in February 2013 and on that occasion you were given community service and placed on probation for supplying controlled drugs, possession of cannabis resin and being concerned in the supply or offering to supply a controlled drug. You were fortunate then to escape custody. On th January, 2014, a year later, you were before this Court for supplying a controlled drug and for possession of the controlled drug cannabis and you were referred for breach of the Community Service Order and breach of the Probation Order and you, again, were fortunate enough to escape custody and what I said to you on that occasion was:- "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." 2. You are back here today, a year later, on a charge of possession of cannabis committed on 7 th October last year. You obviously do appreciate the warnings that you were given last time and for our part we think there is absolutely no doubt at all that a custodial sentence should be imposed. You have not formally been referred back, on this occasion, for breach of the 2013 and 2014 orders so we are not punishing you as it were for those matters again. We are dealing with the current offence only, possession of a small amount of cannabis, but we do so against a background of your convictions for the supply of cannabis, your convictions for possession and against the background of the warnings which were given to you in the Court's sentencing remarks on the last two occasions. 3. We also have noted the probation officer's report that you do not really wish to achieve abstinence, in her view from what you have said, from cannabis use and yet now we are told by your counsel that you do. Well in this Court we have to learn to distinguish between what is said and what is done. It is very easy to say how wrong you were. It is very easy to make an apology and if I may say so you said that last time. 4. Possession of cannabis carries a maximum term of 5 years' imprisonment; that shows what importance the legislature

attaches to this particular offence. On this occasion the reason the Court has been out for so long is that one of the Jurats thought that the Crown's conclusions of 4 weeks' imprisonment was not enough and it should be increased. The other Jurat, while thinking the Crown has been generous, thinks that it is appropriate to impose that sentence and so, in those circumstances, it falls on me to choose which. I will go, as a matter of leniency, with the Jurat who wishes to impose a sentence of 4 weeks' imprisonment on this count. 5. So you are sentenced to 4 weeks' imprisonment and you have to realise that the use of cannabis is a criminal offence. The sentences will only get longer. You need to tackle your drug use. We do hope that in your 4 weeks that you serve, or it will be less than 4 weeks with remission, you will be able to give some careful thought for the future. 6. We also order the forfeiture and destruction of the drugs seized.

Authorities AG-v-Phillips

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