

JERSEY / JUDGMENT

AG v Smale [2002] JRC 194A (11 October 2002)

[2002] JRC 194A

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JUDGMENT

THE COMMISSIONER: 1. When Smale stopped his van in St. Saviour's road on Friday 12th July to answer his mobile phone he was approached by police officers. A search of the van revealed four 'nine bars' of cannabis resin and a further two 'nine bars' in a golf bag. That was a total 1,499.79 grams with a street value of £8,640. A search of Smale's room at his home initially revealed more cannabis resin, but eventually in the annexe of the house Smale showed the police a further ten 'bars' totalling 2,512.22 grams of cannabis resin with a total street value of £14,400. 2. In interviews Smale has admitted that he was holding the cannabis resin for a supplier, whom he declines to name, no doubt because he fears for the consequences if he did so. We have to say that minders or 'warehouse men' of drugs play a vital part in the distribution of these illegal substances and can expect to be sentenced accordingly. 3. At the age of 31 Smale has a bad criminal record but nothing related to drug offences and he has not been in custody before. There was a very early guilty plea and he has co-operated with the police, short of naming his supplier which might have saved him a prison sentence. He showed the police the further four 'nine bars' - there were twenty in all - and admitted supplying them. In that respect, as Advocate Bell has pointed out, he has written his own indictment. He admits that he would have supplied some of the cannabis, and rather than cash he would have taken cannabis in return. So he clearly knows his supplier very well. 4. The appeal case of Campbell and Ors -v- AG

(1995) JLR 136 CofA gives a starting point of between two and six years for supplying class B dugs involving one to ten kilograms and we have here four kilograms. We are not going to alter the starting point, which appears to be completely reasonable, but we are not certain, on reflection, that sufficient allowance has been made for the early guilty plea and the co-operation with the police and the other many mitigating factors. When I say co-operation with the police that is, of course, co-operation short of naming the supplier. 5. Smale, on count one you are sentenced to one and a half years' imprisonment; on count 2 to 15 month's imprisonment; on counts 3, 4 and 5 one month's imprisonment; on count 6 two and a half years' imprisonment; on count 7 one and a half years' imprisonment and all those sentences to run concurrently making a total of two and half years' imprisonment and we order the forfeiture and destruction of the drugs. Authorities Campbell and Ors. -v- AG

(1995) JLR 136 CofA. AG -v- Cameron and ors. (21 st November 1997) Jersey Unreported [1997/209]. AG -v- McCool and Heys (9 th March 2000) Jersey Unreported; [2000/45] AG -v- Croxton and Jenkins (11 th October 2000) Jersey Unreported; [2000/196] AG -v- Sa (17 th November 2000) Jersey Unreported; [2000/229] Page Last Updated: 21 Jun 2016 BAILII: [Copyright Policy](#) | [Disclaimers](#) | [Privacy Policy](#) | [Feedback](#) | [Donate to BAILII](#)

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