

JERSEY / JUDGMENT

AG -v- Vibert [2009] JRC 239 (10 December 2009)

[2009] JRC 239

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JUDGMENT

THE COMMISSIONER: 1. Samuel James Vibert is to be sentenced for one offence of being concerned in the importation of 1.7 grams of heroin with a street value of £1,700. The drug was concealed internally and the defendant admitted that he had committed the offence knowing that it was unlawful to import drugs into Jersey. He claimed that he had done so in order to clear a drugs debt of £400. 2. The defendant does have previous convictions for various minor offences but the Crown has treated him for sentencing purposes as a first offender and we agree that that is the appropriate way of proceeding. 3. Both counsel have drawn our attention to the provisions of the Criminal Justice (Young Offenders)(Jersey) Law 1994 which provides that the Court may not impose a custodial sentence unless it considers that no other method of dealing with the offender is appropriate for a number of reasons. Vibert is 19 but was 18 at the time when the offence was committed. What the law requires the Court to do is to treat each young person as an individual. We have given very careful consideration to all the reports placed before us and in particular to the recommendations of the Probation Officer and the Alcohol and Drugs Service and we think that this is a case where a custodial sentence can be avoided particularly as the defendant has spent the equivalent of seven months in custody on remand. 4. We are very pleased to read of your progress in prison and we hope very much that that is going to continue when you leave custody; there are much better ways of living your life than getting involved in drugs and going downhill in that way and we hope that you will continue the progress that you have made. 5. We have to punish you for what was a very serious offence, and as I have said, we are not going to send you to youth custody but we are going to impose a Probation Order for 2 years which means that during that period you will have to live and work as your Probation Officer directs and in particular, you will have to undergo a treatment order with the Drug and Alcohol Service for a period of 1 year. We are also going to order you to perform 300 hours of community service and we state that the equivalent custodial period is one of 2 years' youth detention, so that if you fail to perform the community service or otherwise do not behave yourself or deal with the Probation Service as you are directed to do, then you will come back before this Court and you are very likely to be sentenced to 2 years' youth detention. 6. We order the forfeiture and destruction of the drugs. Authorities Criminal Justice (Young Offenders) (Jersey) Law 1994. Rimmer & Others-v-AG

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