



**ROYAL COURT**  
**(Superior Number)**  
**(exercising the appellate jurisdiction conferred upon it by**  
**Article 23 of the Court of Appeal (Jersey) Law, 1961).**

29th July, 1991

109.

Before: The Bailiff, and Jurats  
Vint, Blampied, Orchard,  
Vibert and Herbert.

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Her Majesty's Attorney General

- v -

Jeffrey Hickson

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Application for leave to appeal against sentence of 12 months' imprisonment passed by the Royal Court (Inferior Number) on 7th June, 1991, following guilty plea to 3 counts of possession of controlled drugs, contrary to Article 6(1) of the Misuse of Drugs (Jersey) Law, 1978 (count 1: LSD: 12 months; count 2: cocaine hydrochloride: 12 months; count 4: cannabis resin: 3 months); and to 1 count of possession of utensil (chillum pipe) for purpose of committing an offence, contrary to Article 8 of the said Law (count 3: 3 months); all concurrent.

Leave to appeal refused by the Bailiff: 20th June, 1991.

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The Attorney General.  
Advocate A.D. Robinson for the applicant.

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**JUDGMENT**

THE BAILIFF: The first thing the Court desires me to say, Mr. Robinson, is that you have done everything you can on behalf of your client. Nevertheless what the Attorney has said is quite right. There is a danger if one sticks to too rigid a formulae in cases of this nature. What one has to do is to look at the general principles applied in this Court as laid down by the Appeal Court and as followed by the Inferior Number to see if one can discern an overall picture. And it is only where a sentencing court departs from that overall picture that it could be said in certain cases that the sentence imposed was either wrong in principle or manifestly excessive.

As the Attorney has said the maximum which the legislature has laid down for possession of Class A drugs is one of seven years and therefore in theory it would be open for the Crown to start with seven years, but clearly of course that would be unfair. The Crown has to choose a starting point and unless this Court is satisfied that that starting point is quite out of keeping with other sentences, or other starting points, we would not interfere with it.

It is impossible to say, looking at the cases which have been cited that there are what you have called authorities, Mr. Robinson. A sentence imposed on one prisoner is not an authority in respect of the amount that another prisoner should receive. It is no more than a guideline and it cannot be binding in the sense of a civil judgment. Each case has to be considered on its merits and there are nuances in cases which make it extremely difficult, unless it is very clear, to compare case with case and to say at the conclusion that a sentence in a particular case was wrong.

We have to ask ourselves whether the picture was clear and whether the Crown had departed from it, and whether indeed the

Court itself had in any way misdirected itself and we came to the conclusion that we could not say that either the Attorney had pitched it too high in the first place, nor that the sentencing court had got it wrong.

We do not think that the sentence looked at as a whole of 12 months for what your client did in respect of a Class A drug was manifestly excessive and certainly not wrong in principle and the appeal is dismissed. Mr. Robinson, you shall have your legal aid costs.

Authorities

A.G. -v- Peacock (10th February, 1989) Jersey Unreported.

A.G. -v- Bull (26th April, 1991) Jersey Unreported.