

ROYAL COURT
(Superior Number)

5th August, 1993

105

Before: The Bailiff, and Jurats
Vint, Bonn, Orchard, Hamon,
Gruchy, Le Ruez, Rumfitt.

The Attorney General

- v -

Mark Anthony Gotel

Sentencing, following guilty pleas on 23rd July, 1993, before the Inferior Number to:

- 1 count of being knowingly concerned in the fraudulent evasion of the prohibition on importation of a controlled drug, (M.D.E.A.) contrary to Article 77(b) of the Customs and Excise (General Provision) (Jersey) Law, 1972. (Count 1 of the indictment);
- 1 count of supplying a controlled drug, (M.D.E.A.) contrary to Article 5(b) of the Misuse of Drugs (Jersey) Law, 1978. (Count 2);
- 1 count of possession of a controlled drug, (M.D.M.A.) with intent to supply it to another, contrary to Article 6(2) of the said 1978 Law. (Count 3);
- 1 count of possession of a controlled drug, (Cannabis resin) contrary to Article 6(1) of the said 1978 Law. (Count 4); and
- 1 count of possession of utensils for the purpose of committing an offence, contrary to Article 8 of the said 1978 Law. (Count 5).

AGE: 25.

PLEA: Guilty.

DETAILS OF OFFENCE:

Count (1) imported 89 M.D.E.A. tablets. Count (2) gave some to friends. Count (3) in possession of remaining 80 with intent to sell them. Count (5) pipes found in his flat. Count (4) remains of cannabis still in the pipe.

DETAILS OF MITIGATION:

Co-operation. Counts (1) and (2) only based on his own admissions. No previous for drugs. Wanted to raise money to take children on holiday. Resultant pressures of case on family.

PREVIOUS CONVICTIONS:

Some, but none for drugs.

CONCLUSIONS:

Count (1) 3 years; Count (2) 3 years; Count (3) 3 1/2 years; Count (4) 2 weeks; Count (5) 6 months, all concurrent. Drugs and utensils forfeited.

SENTENCE AND OBSERVATIONS OF THE COURT:

Count (1) 2 1/2 years; Count (2) 2 1/2 years; Count (3) 3 years; Count (4) 2 weeks; Count (5) 6 months, all concurrent. Drugs and utensils forfeited and destroyed. Bailiff approved of counsel's not citing a multiplicity of authorities.

Miss S.C. Nicolle, Crown Advocate.
Advocate P. Landick for the accused.

JUDGMENT

BAILIFF: The Court has listened to everything you have said, Mr. Landick, and you were quite right when you said that previous cases (with certain exceptions, such as Schollhammer -v- A.G.; Reissing -v- A.G. (14th July, 1992) Jersey Unreported C.of.A.) are not really authorities; they are guidelines and no more than that. Unless you know all the circumstances of each case, you cannot use them as other than a guide; that was my remark to you. Perhaps you ought to tell your colleagues that.

However, having looked at the background of your client, and at all the matters in the Probation Report, and having regard to all the circumstances, we still have to impose a custodial sentence, and a substantial one at that, because it was a Class A drug; it was imported and was in the possession of your client with a view to selling it. Nevertheless we think that some further allowance should be made for certain matters and we have done so.

Accordingly, the sentence of the Court is this: on Count 1, you are sentenced to 2¹/₂ years' imprisonment; on Count 2, to 2¹/₂ years' imprisonment; on Count 3, to 3 years' imprisonment; on Count 4, to 2 weeks' imprisonment; and on Count 5, to 6 months' imprisonment; all concurrent, making a total of 3 years' imprisonment. There will be an order for the forfeiture and destruction of the drugs.

Authorities

Schollhammer -v- A.G.; Reissing -v- A.G. (14th July, 1992)
Jersey Unreported C.of.A.