

ROYAL COURT
(Samedi Division) 2

5th January, 1996

Before: The Hon. J.A.G. Coutanche, Lieutenant Bailiff,
and Jurats Blampied and Herbert

The Attorney General

- v -

Mark Fairclough Jeffrey

- 1 count of production of a controlled drug (cannabis), contrary to Article 5(a) of the Misuse of Drugs (Jersey) Law, 1978 (count 1);
- 1 count of possession of a controlled drug (cannabis), with intent to supply to another, contrary to Article 6(2) of the said Law (count 2);
- 1 count of possession of a controlled drug (cannabis), contrary to Article 6(1) of the said Law (count 3);
- 1 count of possession of utensils for the purposes of committing an offence, contrary to Article 8 of the said Law (count 4);
- 1 count of leaving a vehicle on a road in a position likely to cause danger, contrary to Article 30(1)(b) of the Road Traffic (Jersey) Law, 1956 (count 5); and
- 1 count of waiting on a road within 10 yards of its junction with another road, contrary to Article 6(1)(d) of the Road Traffic (St. Helier) (Jersey) Order, 1988 (count 6).

Plea: Guilty.

Age: 23

Details of Offences:

A. Drugs Offences:

Defendant grew 106 cannabis plants under a spotlight in a cupboard at his home address. Plants capable of producing maximum yield of 2.54 kilograms of cannabis, with a corresponding street value of between £14,650 and £18,288. Defendant maintained that he did not intend to supply the drug commercially, asserting that he intended to smoke it himself apart from giving a "taste" to the person who had lent him the spotlight. Crown invited Court to treat a cultivator of a substantial number of cannabis plants in the same way as it would an importer of cannabis into the island, i.e. a trafficker.

B. Road Traffic Offences:

These were two specimen charges - n.b. Defendant's previous record.

Details Mitigation:

Suicide of brother in 1986 led to Defendant's turning to alcohol, later to cannabis. Co-operative with Police. Guilty plea, but no real alternative. First drugs related offence. Challenged potential yield. A rather pathetic character.

Previous Convictions:

Six: breach of peace; careless driving and failing to stop: total of eighteen parking offences; other minor road traffic offences.

Conclusions:

Counts 1,2: 3 years' imprisonment, concurrent.
Count 3: 1 month's imprisonment, concurrent.
Count 4: 6 months' imprisonment, concurrent.
Count 5: £250 fine or 2 weeks' imprisonment in default of payment, consecutive to sentences imposed on counts 1-4.
Count 6: £75 fine or 1 week's imprisonment in default of payment, concurrent with default sentence imposed on count 5, but consecutive to sentences imposed on counts 1-4.

Sentence and Observations of the Court:

Counts 1,2: 2 years' imprisonment, concurrent.
Counts 3-6: conclusions granted.

The Court accepted the Crown's invitation to proceed on the basis that the position of a cultivator of cannabis on a substantial scale is analogous to that of an importer. The court accepted the Defendant's contention that the figures as to eventual yield might be open to some doubt and accordingly fixed three years as the appropriate starting point. A reduction of one-third could be allowed for the guilty plea and the fact that this was Jeffrey's first drugs offence. Order for forfeiture and destruction of the drugs.

A.J. Olsen, Esq., Crown Advocate.
Advocate S.A. Meiklejohn for the accused.

JUDGMENT

THE LIEUTENANT BAILIFF: Mr. Olsen, Mr. Meiklejohn, the Court wishes to restate that we will regard the importation and the production

offences in the same manner. The Court has also taken the view that the amount growing at the time would determine the starting point. Therefore the Court has considered that the starting point would be three years, but for mitigation we have allowed a further year.

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On count 1, (production) you are sentenced to two years' imprisonment; on count 2, (possession with intent to supply) you are sentenced to two years' imprisonment, concurrent; on count 3, (simple possession) you are sentenced to one month's imprisonment, concurrent; on count 4, (possession of utensils) you are sentenced to six months' imprisonment, concurrent; on count 5, you are fined £250 or two weeks' imprisonment in default of payment, consecutive to the sentences imposed on counts 1-4; on count 6, you are fined £75 or one week's imprisonment in default of payment, concurrent with the default sentence imposed on count 5, but consecutive to the sentences imposed on counts 1-4. We order the forfeiture and destruction of the drugs and utensils.

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Authorities

A.G. -v- Pringle (12th July, 1993) Jersey Unreported.

A.G. -v- Plowright (13th February, 1995) Jersey Unreported.

Whitmore -v- A.G. (4th April, 1995) Jersey Unreported CofA.

A.G. -v- Harris (16th June, 1994) Jersey Unreported.

A.g. -v- Griffin (13th February, 1995) Jersey Unreported.