

ROYAL COURT
(Samedi Division)

8th August, 1997.

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Before: F.C. Hamon, Esq., Deputy Bailiff, and
Jurats Bonn and Jones.

The Attorney General

- v -

Natalie Howard.

- 1 count of possession of a controlled drug with intent to supply, contrary to Article 6(2) of the Misuse of Drugs (Jersey) Law, 1978:
Count 1 : MDMA.
- 2 counts of possession of a controlled drug, contrary to Article 6(1) of the Misuse of Drugs (Jersey) Law, 1978:
Count 2 : MDMA;
Count 3 : cannabis resin.
- 1 count of possession of a weapon, designed or adapted for the discharge of any noxious liquid gas or other thing, contrary to Article 19(1)(b) of the Firearms (Jersey) Law, 1956 (count 4).

Plea: Guilty.

Age: 20.

Details of Offence:

The defendant was found in possession of approximately 550 Ecstasy tablets, tablet fragments and powder having a street value of approximately £12,000. In addition, she had in her possession personal amounts of cannabis and Ecstasy. Some of the drugs had been stored in the room occupied by a friend of the defendant and although there was ultimately a guilty plea, the original question and answer session tended to infer guilt to other occupants of the house in which the defendant lived.

Details of Mitigation:

The background reports before the Court included the Probation Officer's report, two reports from Consultant Psychiatrists, and a Psychological report. The reports revealed quite appalling treatment of the defendant during her upbringing which was wholly exceptional.

Previous Convictions: None.

Conclusions:

3 years' Probation on each count, concurrent, with 240 hours' Community Service to be served in 12 months.

Sentence and Observations of the Court:

Conclusions granted in order that the defendant would have the opportunity of appropriate psychological and psychiatric care. The Court indicated that the circumstances were wholly exceptional, and only for that reason did the Court feel able to avoid a custodial sentence which otherwise would have been appropriately applied.

W.J. Bailhache, Esq., Crown Advocate.
Advocate S.E. Fitz for the accused.

JUDGMENT

5 THE DEPUTY BAILIFF: Natalie Howard is charged with four counts: count 1: possession of Ecstasy with intent to supply; count 2: possession of Ecstasy; count 3: possession of cannabis resin; and, count 4: possession of a charged stun gun.

10 In normal circumstances this commercial quantity of Ecstasy, with a street value of £12,000, would have led us, following the Court of Appeal guidelines in the case of Campbell, MacKenzie and Molloy -v- A.G. (1995) J.L.R. 136 CofA, to have taken a starting point of 7 years' imprisonment in any adult case.

15 However, Miss Howard is 20 years old and falls under the provisions of the Criminal Justice (Young Offenders) (Jersey) Law, 1994. Even then, for a crime of this nature, a sentence of Youth Detention would be inevitable as this is such a serious matter that anything other than a custodial sentence would normally be inappropriate. However, we have read some very detailed and disturbing reports prepared by Dr. Lesley Wilson, Consultant Psychiatrist, and Mr. Berry, Consultant Psychologist. We have
20 also read a report by Dr. Farouk Faiz detailing Miss Howard's horrific childhood experiences. In addition, we have read reports by English practitioners in Nottingham, a practice counsellor and a doctor from the Department of Psycho-Sexual Counselling.

25 It is tragic that Miss Howard came to Jersey and fell in with a circle of friends who, apparently, regard the use of drugs as a normal practice. It is disappointing that the 'Venue' and 'Madisons' should still be named as places where drugs are readily available. According to Dr. Wilson, it would be virtually
30 impossible for Miss Howard to receive the treatment which she desperately needs whilst in custody here and she wishes to return to Nottingham with her mother. The Probation Officer urges that she return to Nottingham where Probation and Community Service Orders can be arranged; the learned Crown Advocate has also made that recommendation. We hope that returning to Nottingham will
35 remove her from Jersey's drug culture because she was not involved in drugs before she came here.

40 Miss Howard, stand up, please. We are going to sentence you to three years' Probation on each count, concurrent, together with 240 hours' Community Service which must be completed within twelve

months. You can consider yourself to be very fortunate to have been dealt with in this way and we hope that you will make something of your life in the future. The Court hopes that this has been a salutary experience for you. We also order the
5 forfeiture and destruction of the drugs, and the stun gun.

Authorities

A.G. -v- Postill (2nd October, 1995) Jersey Unreported.

Campbell, MacKenzie and Molloy -v- A.G. (1995) J.L.R. 136 CofA.