ROYAL COURT

(Superior Number)

(exercising the appellate jurisdiction
conferred upon it by Article 22 of the
Court of Appeal (Jersey) Law, 1961)

18th August, 1988

Before: The Bailiff and
Jurats Vint, Lucas, Blampied, Mrs Myles,
Baker, Le Boutillier, Orchard, Hamon,
Gruchy and Mrs Le Ruez

Her Majesty's Attorney General

- v -

Denise Marie Ellis

Application for leave to appeal against sentence of 9 months' (in total) imprisonment, imposed on 1st July, 1988, following guilty plea to 1 count of being concerned in the importation of a controlled drug, and 1 count of possession of a controlled drug

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Advocate S.C. Nicolle for the Crown
Advocate A.R. Binnington for the Applicant

JUDGMENT

THE BAILIFF: This matter comes before the Full Court sitting as the Appeal Court from a decision of the Inferior Number which sentenced the applicant to a total of nine months' imprisonment for the importation of heroin and six months concurrent for possession. The Bailiff, that is to say, myself, refused leave to appeal and therefore the matter comes before the Bench, in the first instance, for it to decide whether the Court would be prepared to give leave to appeal. Because I had already refused, I took no part in the actual decision which the Court made and I have to say to you, Mr Binnington, that in spite of your urging, the Court was unable to find any matters which it felt would have justified it in granting leave. The Court is unanimous on this decision, the Jurats were unanimous, and therefore leave to appeal is refused. That being so, we have no need to call on Miss Nicolle. However, I have to say this that even if we had granted leave to appeal, there was nothing that we could have found in the sentencing policy of the Inferior Number which would have led us to suppose that the sentence was wrong in principle or manifestly excessive. It may well be that this Court sitting, had we considered it, might have imposed a lesser sentence in respect of possession, but because of the totality principle and because of the nine months imposed for the importation, that really is a slightly academic argument.

Legal aid costs.

Authorities:

A.G. -v- Young: (1980) J.J. 281.

A.G. -v- Price: 24/6/85: Unreported Jersey Judgment; (1985-86) JLR Pt. 2 N6.

A.G. -v- Cash: 22/8/86: Unreported Jersey Judgment.

A.G. -v- Korner: 25/7/85: Unreported Jersey Judgment.