

ROYAL COURT
(Superior Number)

36A.

10th March, 1993

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

The Attorney General

- v -

Darren Ivor Holmes

Sentencing, following guilty plea before the Inferior Number on 19th February, 1993, to:

3 counts of supplying a controlled drug, contrary to Article 5(b) of the Misuse of Drugs (Jersey) Law, 1978, (Counts 1-3 of the indictment); and

3 counts of possessing a controlled drug, with intent to supply it to another, contrary to Article 6(2) of the said Law. (Counts 4-6).

AGE: 23

PLEA: Guilty.

DETAILS OF OFFENCE:

Search warrant on information received. 15 units of MDEA (6 still in his possession), 40g. amphetamine sulphate (about 20g. still in his possession), 28g. cannabis (22g. still in his possession). MDEA = £375 street value; amphetamine sulphate = £900; cannabis = £200. Had been dealing for about 3 months previously, i.e. since becoming unemployed.

DETAILS OF MITIGATION:

Unemployment was not compelling mitigation - there had been luxury spending. Very high level of co-operation (although he did not name customers or suppliers); good character; youth; recent bereavement; break-up with girlfriend.

PREVIOUS CONVICTIONS:

Nil.

CONCLUSIONS:

3 years for each Class A offence: counts 1 & 4; 2 years for each Class B offence: counts 2, 3, 5 & 6; all concurrent.

SENTENCE AND OBSERVATIONS OF THE COURT:

Well-known policy of the Court remains in place; conclusions granted (majority decision).

**C.E. Whelan, Esq., Crown Advocate.
Advocate S.J. Crane for the accused.**

JUDGMENT

THE BAILIFF: Mr. Crane, you have really said all you could on behalf of your client. He has been commendably frank through you. He recognises that he has to serve a custodial sentence because of the seriousness of the offence. Although we have looked at the cases which you have referred us to, they are no more than guidelines, they are not, of course, authorities in the proper sense of the word.

It is a serious matter to distribute Class A drugs as a supplier and we cannot really find that there are such special circumstances, although you have put them well to us, which would entitle us to depart from the conclusions.

However, I have to tell you that in sentencing you, Holmes, to the conclusions asked for by the Crown Advocate, that decision was by a majority of 5 Jurats. Therefore, you are sentenced as asked for by the Crown to a total of 3 years' imprisonment in the proportions asked for. There will be a confiscation 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.

Rawlinson -v- A.G. (19th January, 1993) Jersey Unreported C.of.A.

Archbold (1992 Ed'n): 26-83.

A.G. -v- Davidson (6th August, 1992) Jersey Unreported.

A.G. -v- Unthank (6th August, 1992) Jersey Unreported.

A.G. -v- Johnson (26th October, 1992) Jersey Unreported.

A.G. -v- Campbell (1st July, 1992) Jersey Unreported.

A.G. -v- Roberts and Gleeson (23rd November, 1993) Jersey
Unreported.