

**ROYAL COURT**  
**(Samedi Division)**

94

16th May, 1994

**Before: The Bailiff, and Jurats**  
**Blampied, Bonn, Orchard, Hamon, Vibert,**  
**Herbert and Rumfitt.**

**The Attorney General**

- v -

**Mark André Such**

Sentencing by the Superior Number, to which the accused was remanded by the Inferior Number on 29th April, 1994, following guilty pleas to:

- 1 count of supplying a controlled drug (L.S.D.), contrary to Article 5(b) of the Misuse of Drugs (Jersey) Law, 1978 (count 1 of the indictment); and
- 1 count of possessing a controlled drug, with intent to supply it to another person, contrary to Article 6(2) of the said Law.

AGE: 18

PLEA: Guilty

DETAILS OF OFFENCE:

Street search under Drugs Law. Scuffle. Dropped package into street drain. On recovery package proved to contain 21 units of L.S.D. Accused admitted having already sold 9 units earlier that evening, for a total of £45. Bought 30 @ £3, would have sold @ £5 therefore consignment worth £150, potential profit of £60. Unemployed and seeking to make money from drug trafficking.

DETAILS OF MITIGATION:

Youth; eventually co-operative (but did not name supplier).

PREVIOUS CONVICTIONS:

2 x Class 'B'; 1 x Class 'A' (possession w.l. to supply). Had received a 6 m. sentence for the latter.

**CONCLUSIONS:**

count 1: 30 months' imprisonment.  
count 2: 30 months' imprisonment (concurrent).

(Childrens Law in force, but upper limit = 18 m. + because of previous 6 m. sentence. Early conversion to youth custody envisaged because C.J. (Y.O.) Jy. Law, 1993 comes into force 1.6.94)

**SENTENCE AND OBSERVATIONS OF THE COURT:**

No pleasure in sentencing someone of this age to imprisonment, but the accused knew the issues. The drug is dangerous, and the charges serious.

---

**C.E. Whelan, Esq., Crown Advocate.  
Advocate A.D. Hoy for the accused.**

---

**JUDGMENT**

**THE BAILIFF:** You have pleaded guilty to serious charges. You were fully aware of what you were doing and you knew the risks that you were running. It gives no pleasure to this Court to impose a fairly substantial term of imprisonment on a very young man, as you are - you are not yet 19 - but you do not appear to have learned the lesson that people who deal in drugs in the way you do and have done, are, unless there are exceptional circumstances, bound to go to prison. Your counsel has very fairly not sought to argue that in your case there are exceptional circumstances and indeed you yourself do not wish to avail yourself - if it were possible - of community service for the reasons set out in the background report.

LSD is a very dangerous drug, as I am sure you know perfectly well, and can cause all sorts of psychological (if not physiological) problems. Supplying that sort of drug in Jersey is, as I said at the beginning, a serious offence and your counsel has quite properly not sought to mitigate the seriousness of it and we note that you are philosophical about what is likely to happen to you and for that reason you are to be commended. You understand the position and are not seeking to evade it and we hope that both in prison and afterwards you will be given help so that you can obtain the qualifications which you were unable to obtain at school. There will be opportunities for you; it is up to you to take them or not. You will be subject to pressure in prison to continue with drugs and I can only advise you not to do so.

However, as regards this offence we cannot find that the conclusions are wrong and they are therefore granted. You are sentenced to 30 months on each count with the usual order for the forfeiture and destruction of the drugs.

### Authorities

A.G. -v- Ward (7th July, 1992) Jersey Unreported.

Diamond -v- A.G. (22nd July, 1991) Jersey Unreported; (1991)  
JLR N.16.

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

Clarkin, Pockett -v- A.G. (3rd July, 1991) Jersey Unreported;  
(1991) JLR 213.

A.G. -v- Bouhsine (10th February, 1992) Jersey Unreported.

A.G. -v- Siham (10th August, 1992) Jersey Unreported.

A.G. -v- Falle (29th August, 1993) Jersey Unreported.