

C1 CRIMINAL LAW - Breaches of Dangerous Drugs Act, ^{Charge 1} Possession of Hash Oil, ^{Charge 2} Dealing in Ganja. Sentence on ① 12 months imprisonment at hard labour and to pay a fine of \$15,000 or 6 months consecutive to sentence of 12 months, or ② Fined \$50,000 or 6 months imprisonment at hard labour.

IN THE COURT OF APPEAL

RESIDENT MAGISTRATE CRIMINAL APPEAL NO. 109/88

BEFORE: THE HON. MR. JUSTICE WRIGHT, J.A.
THE HON. MR. JUSTICE DOWNER, J.A.
THE HON. MR. JUSTICE GORDON, J.A. (Ag.)

REGINA

v

KARIM BELHADI

Howard Hamilton, Q.C. for the Appellant

Miss V. Grant for the Crown

December 13, 1988

WRIGHT, J.A.:

On the 9th of August this year the appellant, Karim Belhadi was convicted by Her Honour, Miss E.E. Francis, Resident Magistrate for Kingston sitting at the Sutton Street Court on two charges for breaches of the Dangerous Drugs Act - one for being in Possession of Hash Oil and the other for Dealing in Ganja. On the first charge he was sentenced to imprisonment of 12 months at hard labour and in addition to pay a fine of \$15,000.00 or 6 months consecutive to the sentence of 12 months. On the second, he was fined \$50,000.00 or 6 months imprisonment at hard labour. Notice of Appeal against conviction and sentence was filed on the 17th of August, 1988 by the very Attorney who represented him at the trial and today, Mr. Hamilton, on behalf of the appellant informed the Court that after careful consideration of the evidence he cannot advance the appeal against conviction and so will confine himself to making submissions on sentence.

Briefly, the facts of the case are that on the 29th of June, 1988 Police Officer, Acting Corporal Errol Graham was at the Municipal Bus Terminus Police Post when he saw this appellant and another, one Kwame Bol, behaving in a suspicious manner which led him to accost them and to check the bags that they were carrying. In the bag carried by Bol there were personal belongings in addition to two packets (condoms) with what turned out to be hash oil. In the appellant's bag there were 15 such packets of hash oil and each man stated that the contents of the bags belonged to the other and that led the learned Resident Magistrate to find that they well knew of the contents or else they could not be seeking thus to account for them.

It is not necessary to go into the very careful examination of the evidence by the learned Resident Magistrate because all the Court is dealing with now is the question of sentence. Mr. Hamilton has sought to persuade the Court that the time between sentencing and now should be regarded as sufficient to allow the appellant to return home for Christmas. Against such an approach the Court must take a strong stand because it is well known that the country has been as it were wasting its assets in fighting drug crimes and yet the war continues. It is an international crime to trade in drugs and no matter what the penalties are the traffic in drugs persist. Even the countries which have introduced the death penalty still have a drug problem and so we cannot, even though it is an expensive war, fold up under it. It cannot be stated too strongly that anybody who crosses our borders or who resides within our borders and sets out to violate the Dangerous Drugs Act must understand that he is playing for high stakes. He would be foolish coming from abroad not to advise himself beforehand what is the attitude of the country on drugs if he proposes to indulge in offences against the drugs Act. We cannot entertain Mr. Hamilton's application that the sentence should be so computed as to have the appellant released for Christmas. He has already been given a bonus when the Resident Magistrate dismissed him on the charge of taking steps preparatory to exporting drugs although the fact that he had his plane ticket to leave the island was a clear indication that the

drug was intended to be exported. The Resident Magistrate recorded that it requires 765 lbs. of ganja to produce one pound of hash oil, which of course is more easily conveyed than 765 lbs. of ganja. If it was not intended for export, why would such great effort be expended?

There is no merit in the appeal which is accordingly dismissed. In the result the convictions and sentences are affirmed.