

JERSEY / JUDGMENT

AG -v- Anderson [2015]

JRC 116 (27 May 2015)

[2015] JRC 116

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JUDGMENT

THE DEPUTY BAILIFF: 1. You are to be sentenced in respect of one count of being knowingly concerned in the fraudulent evasion of the prohibition on the importation of a controlled drug, namely ecstasy. The ecstasy was concealed in an envelope which was intercepted by customs officers and replaced with a substitute envelope which you collected from a letter box belonging to a flat in Bagot Manor Court. When you were arrested that substitute envelope had been secreted by you in the waistband of your underwear. You were not frank with customs officers during interview and you were unable to offer any credible explanation for your actions. Your record is a poor one, although you have no previous convictions for drugs offences, and whilst you have pleaded guilty and you deserve credit for that plea, the Court notes that you did not plead guilty on the earliest occasion possible and it might be said that such a guilty plea was, to some extent, inevitable given the fact that the substitute envelope was found secreted by you on your person. 2. You are also in breach of a Probation Order imposed upon you on 10 th February, 2014, for an offence of assault. You do not have a good history for responding positively to the non-custodial options that are available to a sentencing Court and we note that you are assessed as posing a high risk of reoffending within the next 12 months. 3. The Court's policy in connection with the sentencing of commercial importation of Class A drugs is clear and, having regard to the Bonnar and Noon-v-AG

[2001] JLR 626 , we accept that the correct starting point for this offence is one of 7 years' imprisonment. 4. The Court notes however the mitigation that is available to you; it notes your relative youth; it notes that you do not have previous convictions for drugs offences, and it notes that there are some signs that you are changing your attitude. The Court was impressed in part by your letter and by the other letters of support that you have received. 5. Before passing sentence we deal with the matters raised in the Attorney General's statement, in the light of the submissions made by your counsel we declare you have benefitted from criminal conduct to the extent of £2,000 and we order the confiscation of £105 as requested by the Attorney General. 6. Turning to sentence for the offence, the Court is not persuaded that it is possible to move in the direction of a non-custodial option for the reasons that I have already set out. There are no circumstances which are sufficiently exceptional that would permit the Court to move from its stated policy.

However, in the light of the mitigation, we are prepared to reduce to a significant extent the conclusions moved for by the Crown. 7. Therefore you are sentenced to 3 years' imprisonment. We impose no separate penalty for the breach of the Probation Order because, for the reasons set out by the Crown, this factor has already been taken into account. 8. We also order the forfeiture and destruction of the drugs. Authorities Bonnar and Noon-v-AG

[2001] JLR 626 . Kenward-v-AG

[2000] JLR 251 . AG-v-Whitcombe

[2014] JRC 173 . Page Last Updated: 24 Jan 2018 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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