

JERSEY / JUDGMENT

AG v Bailey [2002] JRC 4 (10 January 2002)

[2002] JRC 4

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JUDGMENT

THE commissioner: 1. Bailey was apprehended at the airport on the 30 th October last year. She denied having anything to declare to customs but in a subsequent search she voluntarily handed in two packages wrapped in condoms from the heel of her left boot. She admitted that these were heroin. She later admitted to having three further packages hidden in her vagina. These, apparently, would not have been discovered by customs as they had not intended, once the first disclosure had been made, to take the matter further. 2. She said that she imported the heroin from fear of threats made by persons whom she did not name. The heroin had a total weight of 99.5085 grams and this had an average purity of 87.4%, which was, of course, a very high purity indeed. The street value, for what it is worth, was found to be between £29,844 and £44,766. 3. She pleaded guilty and has been in custody for some two and a half months. She is 28 years' old and is now dependent on heroin. We fully appreciate the trauma which resulted from the death of her fiancé in the car that she was driving when that car ploughed into an unlit parked scaffolding lorry, and the threat, which these unnamed drug dealers used to persuade her to carry the drugs, we have to say, was of the most unpleasant kind. 4. We regard this case as totally exceptional. The facts of this case demonstrate precisely the reason why the Court of Appeal has said that each case decided in this Court - whilst it is bound by the Court of Appeal's guideline judgments - must turn eventually on the facts of that particular case. 5. We agree with the Crown that the appropriate starting point is eleven years'. Whilst we have a duty to do everything possible to deter others concerned in this filthy trade from bringing drugs into Jersey we can look at this case in a particular light. So, Bailey, we are following the conclusions of the Crown, but you will be sentenced to five years' imprisonment and we order the forfeiture and destruction of the drugs. Authorities Rimmer , Lusk and Bade -v- AG (19 th July 2001) Jersey Unreported CofA ; [2001/148] Page Last Updated: 22 Jun 2016 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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