

JERSEY / JUDGMENT

AG v Baker and Lynch [2017]

JRC 160 (02 October 2017)

[2017] JRC 160

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JUDGMENT

THE commissioner: 1. The defendants are to be sentenced for the importation of 165.75 grams of cocaine with a street value of between £13,500 and £16,500. They were stopped by customs officers after disembarking from the Condor Liberation. The cocaine was concealed internally on both of them. The guidelines in *Rimmer v AG*

[2001] JLR 373 lay down a starting point range of between 10 and 13 years' imprisonment for quantities between 100 and 250 grams. The Crown regard the defendants as couriers and move for a starting point of 11 years for Baker and 10 years for Lynch as it takes the view that her role was subordinate to his. We agree that those starting points are correct. 2. Baker is assessed at a moderate risk of reoffending in 12 months and Lynch at a medium risk of reoffending in 12 months. Baker has one previous conviction for possession of cannabis resin in September 2015 for which he received a conditional discharge. Lynch has one previous conviction for malicious damage to Baker's car after she had discovered he was being unfaithful. She was given a conditional discharge. 3. Allowing for mitigation, the Crown have moved for a sentence of 7 years' imprisonment for Baker and 6 years' imprisonment for Lynch. 4. The defendants have two young children and it is a tragic consequence of their actions that their children have been deprived of their contact with and care by their parents for what will be many years. The children are being cared for by Baker's mother with the assistance of Lynch's sister. This provides of course no mitigation for the defendants. They had become so immersed in a drug-taking lifestyle, they say racking up substantial debts, that they were prepared to undertake this importation together putting both of their roles as parents at risk. 5. In terms of mitigation they have both pleaded guilty, and they do not, as we have said, have bad records. Lynch has suffered in particular from a very difficult childhood and from quite recent mental health problems. Without going into more detail we agree with Advocate Haines that her personal circumstances can be described as tragic. They have both expressed remorse and we have received letters from them and references which we have taken into account. 6. We are, however, conscious of the policy of the Court in combatting the evil of the drugs trade which has such a devastating effect upon the community. Couriers play a vital role in that evil trade. 7. After careful consideration we agree with the conclusions of the Crown

in relation to Baker, but in relation to Lynch, the Court did feel that her personal circumstances amounted to exceptional mitigation. All of the learned Jurats agreed that there could be a reduction from the sentence sought by the Crown of 6 years' imprisonment, and by a majority have concluded that it should be reduced to 5 years. 8. We are not going to make an order for the forfeiture of Lynch's mobile phone which contains photos and videos of her two children. No doubt that will be returned to her when she is released. 9. Mr Baker, you are sentenced to 7 years' imprisonment. 10. Miss Lynch you are sentenced to 5 years' imprisonment. 11. We order the forfeiture and destruction of the drugs. Authorities Rimmer v AG

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