

JERSEY / JUDGMENT

AG v Barratt [2017] JRC 046 (20 March 2017)

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JUDGMENT

THE DEPUTY BAILIFF: 1. You are to be sentenced for three counts of being knowingly concerned in the prohibition on the importation of Class A and Class B drugs. The drugs were hidden in the door panels of a car that you brought into Jersey on the 24 th September last year and they were found during a customs search. They were very substantial quantities. There were 18,013 tablets of MDMA with a Jersey street value of between, and these values are approximate, £270,000 and £450,000. 3.972 kilograms of MDMA crystal with a Jersey street value of between £318,000 and £398,000 and 37.018 kilograms of cannabis resin with a Jersey street value of between £555,000 and £740,000. The total purchase price in the United Kingdom would be between £101,339 and £132,839 and the total street price in Jersey between £1,143,930 and £1,579 765. 2. These are very substantial, if not unprecedented quantities, and indeed whilst we accept that you were a courier, as the Court has often said, couriers are an important part of the supply chain and you were a courier who would be trusted with this quantity and value of drugs. The damage that would have been done and the misery caused to the people of Jersey would have been very substantial indeed had this not been foiled. 3. You have no previous convictions for drugs trafficking although you are not of good character. We note of course your guilty plea and although the evidence against you was strong we make the appropriate allowance to reflect that plea but we do not think the guilty plea in this case merits a full-third reduction. 4. We also note the other mitigation advanced ably by your counsel on your behalf. You have clearly attempted to an extent to turn your life around. You have honoured and met family commitments and these have been reflected, we think, in the gap that we can see in your offending. However, we do not think that those factors are sufficient to cause us to think that the conclusions moved for by the Crown are other than correct. We think they are correct, although for reasons that are slightly different than those advanced by the Crown. 5. With regard to Count 1, the tablets, we think that the correct starting point is that of 18 years' imprisonment in considering those drugs alone. For Count 2, the MDMA crystals, again a starting point of 18 years' imprisonment for those drugs alone and for Count 3, the cannabis resin a starting point of 10 years' imprisonment for that drug alone. But as you have imported substantial quantities of more than one type of drug we approach sentencing on the basis of Valler v AG

[2000] JLR 383 and consider an increase in the starting point for the most serious offence. In our view the correct uplift in this case is one of 3 years. We think that the correct approach is not to have sequential additions depending upon the numbers of different kinds of drugs but to identify a single additional uplift which seems to us to be appropriate, and we apply that uplift to the starting point allowing of course for totality. The starting point we apply it to is with regard to the most serious offence that of Count 1. 6. The sentences accordingly are as follows: taking all the mitigation that we have identified into account, including the guilty plea, for which we allow an appropriate discount. Count 1, from a starting point of 21 years' imprisonment: 14 years' imprisonment. Count 2, from a starting point of 18 years' imprisonment: 12 years' imprisonment. Count 3, from a starting point of 10 years' imprisonment: 6 years' imprisonment. All sentences to run concurrently, making a total of 14 years' imprisonment. 7. We order the forfeiture and destruction of the drugs. Authorities Valler v AG

[2007] JLR 383. Bonnar v AG

[2001] JLR 626 . Rimmer v AG

[2001] JLR 373 . Campbell v AG

[1995] JLR 136 . Vipond v AG

[2004] JLR Note 24 . Vipond v AG

[2004] JCA 086 . AG v Vipond

[2004] JRC 029 . AG v Andrade and Ors

[2006] JRC 029 . AG v Logan

[2015] JLR 113. AG v Gautier and Halais

[2015] JRC 262A . AG v Wootton

[2003] JRC 034 . Page Last Updated: 06 Dec 2017 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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