

JERSEY / JUDGMENT

AG v Batt [2005] JRC 010 (21 January 2005)

[2005] JRC 010

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JUDGMENT

THE COMMISSIONER: 1. Batt is a 70 year old married man with grown up children. He has separated from his wife and lives with a partner who has serious health problems. She is suffering from a severe heart condition and has had a heart operation. She is apparently heavily reliant upon him. 2. He has what can only be described as a very bad criminal record. He has 22 convictions for 43 offences. It is true to say that he has run the gamut of punishments. In 1977, he received a sentence of 3 years' imprisonment for conspiracy and robbery. In 1983, he was sentenced to 18 years' imprisonment for armed robbery and conspiracy to rob. 3. He was released on parole after ten years. To his credit, he has not appeared before any Court between his release on parole in 1994 and his appearance for this offence. As Miss Juste has pointed out, he has not in that long criminal career committed a drug related offence. 4. The offence with which he is charged today is depressingly familiar. He was stopped by a Customs Officer driving a pink Mercedes Benz car, at the Elizabeth Terminal on the 20 th October, 2004. He said he had been to England to visit a friend and had brought the car for £4000. 5. When cannabis was discovered in the boot of the car, he said " That's it. You've got it ", and he informed the Customs Officer that the 'it' he was referring to was in fact cannabis. The amount was disturbingly large, 8,483 grams with a street value of some £50,400.00. He will not, of course, name his contacts. 6. The starting point in Campbell and Ors -v- A. G [1995]JLR136] gives a starting point of 2 - 6 years, and in this case, the Crown Advocate has asked for a starting point of 5 years. We have looked at the medical records and the report on his partner who is heavily reliant upon him. We have also considered A. G. v Valler [2002]JLR383] on that basis. 7. He has pleaded guilty, which is not, in the circumstances, of very great value though, as Miss Juste has reminded us, he did plead guilty in the Magistrate's Court though, of course, under the name of Maurice Knight (his alias

- Knight is the name of his partner). 8. We have had careful regard to all the health matters referred to us by Miss Juste, but this was in our view, a cynical attempt to import a large amount of drugs into Jersey, by a seasoned criminal, who is, no doubt, in close contact with those who set the scheme up and whom he will not, of course, name. We have said that we believe the starting point is correct and we have carefully examined the mitigation on this elderly career criminal. 9. In the circumstances, by way of mercy, we are going to reduce the conclusions to 3 years. We order the forfeiture and destruction of the drugs. Authorities A. G. -v- Evans, Evans and Snooks (16 th June

1997) Jersey Unreported; [1997/113]. A. G. -v- Shoesmith (19 th March, 1999) Jersey Unreported; [1999/53]. A. G. -v- Cooke & McClements (24 th March, 2002) Jersey Unreported; [2002/70]. Whelan: Aspects of Sentencing in the Superior Courts of Jersey (2 nd Ed'n): pp. 14 - 19. Campbell & Ors -v- A. G. [1995JLR136]. Valler -v- A. G. [2002JLR383]. Page Last Updated: 14 Jul 2016 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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