

JERSEY / JUDGMENT

AG -v- Bowler [2009] JRC 206 (27 October 2009)

[2009] JRC 206

Source: bailii.org · Research copy typeset by Esheria. Not court-issued or certified.

JUDGMENT

THE commissioner: 1. On 17 th August, 2009, the defendant was found guilty following a trial of 2 counts of supplying a small quantity of heroin. The offences took place on 4 th December, 2008, just three days after she had been sentenced exceptionally to 240 hours' community service for her, admittedly small, part in the importation of 17.38 grams of heroin into the Island. On 4 th December she was also found in possession of 26 milligrams of heroin and 6 diazepam tablets, to which she has pleaded guilty. 2. At the time of these offences she was the sole carer of her ten year old son who is presently being cared for by his grandmother. It might be thought that having just avoided a custodial sentence she would have learnt her lesson. When sentencing her on 1 st December, 2008, the Superior Number said this and quoting from the judgment:- "Miss Bowler, we have already said that we accept that you had a very limited involvement in this. This whole transaction brought no benefit to you at all. You simply behaved as you did to assist your boyfriend and in fact it brought no real benefit in the sense that they were matters he could have dealt with quite satisfactorily himself. So this was a very limited and unusual involvement. In the circumstances we think the Rimmer guidelines simply have no application. In mitigation we have listened to all that your Advocate has said. You are the sole carer of your son, we have read carefully the contents of the various reports and letters and references and of course you have a comparatively minor list of previous convictions. In all the circumstances we are persuaded that this is an exceptional case and we can proceed by way of a non-custodial sentence. The sentence we impose on each of the 3 counts is one of Community Service of 240 hours, these to run concurrently, and we say that the prison sentence we would have had in mind as an alternative is one of 18 months. On the Second Indictment we impose a Community Service Order of 40 hours also to be concurrent, so that is a total of 240 hours. You must realise Miss Bowler, that you must carry out this Community Service, you must turn up when you are told and you must carry out the work, because if you do not or if you re-offend, then you will be brought back here, and of course, if you are brought back here then you will really be at substantial risk of going to prison because this Community Service is the Court giving you an alternative to prison. This is your chance, so take advantage of it. We hope very much that we will not see you here for breaching the Community Service Order." 3. The fact that the defendant could offend so quickly and thus put the care of her only son at risk is a stark illustration to us of the highly addictive nature of

heroin and how it destroys the lives of those who succumb to it and the devastating effect it has on their families, as illustrated to us by the moving letter we received from your mother. It emphasises and enforces the need for this Court to maintain its firm policy when dealing with such offences. 4. Having pleaded not guilty, not accepting the verdict of the Court and thus having no remorse and taking into account the aggravating factor of your re-offending so quickly, there is, as the Crown have said, little mitigation. You do not have a good record. As Mr Haines has said your mitigation really lies in your personal circumstances. You do have a supportive mother and we note that your son does visit you regularly at the prison and that you are, and have been for some time now drugs free within the prison. We note that you have completed or have started a twelve week drugs course and commend you for the work you have done raising money for charity. We of course also have taken into account everything else written within the reports before us. 5. The Crown seek a starting point of 4 years for the recent offences relying on the case of AG-v-Davey

[2005] JRC 125 . We have to say that we did not find that case helpful. We accept that the amounts supplied here were very low, two 50 bags containing 52-100 milligrams of heroin in total. There would appear to be no cases in the Royal Court involving such small amounts. Mr Haines has referred us to the case of AG-v-Whitehouse

[2003] JRC 200 both in the Royal Court and the Court of Appeal in which a range of 18 months, after a guilty plea, for supply to the prison of small amounts of heroin was considered appropriate. 6. We do not think that starting points are appropriate in cases of this kind. In our view the appropriate range for the supplying of heroin in these small quantities is one of 18 months to 2 years following a trial. In this case we regard the upper part of that range as being appropriate bearing in mind the aggravating factor that these offences were committed so soon after the earlier offences. 7. Therefore Miss Bowler you are sentenced as follows; on count 2 you are sentenced to 2 years' imprisonment, on count 3 you are sentenced to 2 years' imprisonment, concurrent, on count 4 you are sentenced to 2 weeks' imprisonment, concurrent and on count 5 to 1 week's imprisonment, concurrent, making a total of 2 years' imprisonment on that Indictment. In relation to the earlier offences we discharge the Community Service Order and we sentence you as follows: on each of counts 1-3 to 18 months' imprisonment, each of those to be served concurrently with the other, on count 4; 1 week's imprisonment, concurrent, making a total for those offences of 18 months' imprisonment; those sentences to run consecutively with the current offences, making a total sentence of 3 years and 6 months' imprisonment. 8. We also order the forfeiture and destruction of the drugs. Authorities Rimmer and Others

[2001] JLR 373 . AG-v-Such and Bowler

[2008] JRC 209 . AG-v-Davey

[2005] JRC 125 . AG-v-Whitehouse

[2003] JRC 200 . Whitehouse-v-AG

[2004] JRC 064 . AG-v-Taylor 2000/69. Page Last Updated: 29 Jul 2016 BAILII: Copyright Policy |
Disclaimers | Privacy Policy | Feedback | Donate to BAILII

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://www.bailii.org/je/cases/UR/2009/>

CASE PAGE <https://chat.esheria.ai/case-law/jersey/ag-v-bowler-2009-jrc-206-27-october-2009>

Prepared on 26 October 2026 · Esheria