

JERSEY / JUDGMENT

AG -v- Brennan [2016] JRC 234 (16 December 2016)

[2016] JRC 234

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JUDGMENT

THE DEPUTY BAILIFF: 1. You are to be sentenced in relation to one count of attempting to remove criminal property from Jersey. We do not need to set out the facts of this matter; they have been amply explored by the Crown in the submissions before us today. You have pleaded guilty and you have offered a basis for that plea which the Crown has accepted. 2. Accordingly we proceed on the basis that you were aware that the money that you were taking, some £11,660, secreted in your car, was money tainted by criminal activity. You were to receive a fee of £500 for acting as a courier. 3. Unlawful activity such as, for example, dealing in drugs, cannot thrive unless individuals are prepared to assist in channelling the criminal process of that conduct back to those who engage in it. Acting as a courier facilitates criminal activity no matter what it is and is accordingly viewed by the Court as a serious matter. 4. You have the benefit of your guilty plea but it could not be said that you were fully cooperative with the authorities in as much as you originally denied having any money to declare and thereafter tried to pass it off as the proceeds of a bet. However your guilty plea is of value in this case and we take it into account. 5. We note the other mitigation available to you. You have expressed your remorse and clearly you are mindful of the effects that your criminal activity has had and will have on your family. As the Court often observes when that submission is made, that is something you really should have thought about before engaging in criminal activity in the first place. We have noted the references given on your behalf which speak well of you. 6. Turning to the appropriate basis of sentence we agree with the Crown as to the factors that need to be considered and indeed with the Crown's analysis of those factors against the facts of this case. However in our view the sentence moved for by the Crown is too high in these circumstances and the correct sentence is one of 12 months' imprisonment. 7. We order the forfeiture of the money as requested by the Crown and make no order as to costs. Authorities Criminal Justice (Forfeiture Orders)(Jersey) Law 2001. Police Force (Disposal of Property)(Jersey) Regulations 1975. AG-v-Turney

[2016] JRC 175 . AG-v-Goodwin

[2016] JRC 165 . AG-v-Cleaver

[2016] JRC 080 . AG-v-Adam

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