

JERSEY / JUDGMENT

AG v Carragher [2020]

JRC 156 (04 August 2020)

[2020] JRC 156

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

JUDGMENT

THE BAILIFF: 1. You are to be sentenced today for one count of being knowingly concerned in the fraudulent evasion of the prohibition on the importation of a controlled drug, namely cocaine. You had concealed that drug internally in three Kinder Eggs wrapped in condoms. You sought to bring these items into Jersey on the 5 th March, 2020, eventually admitting to Customs Officers that you were carrying drugs internally. 2. As the Crown has told us, in the interview you named the individual who had asked you to bring the cocaine into Jersey, a matter to which we will return subsequently, and you told officers that he had taken the drugs to your house. The three Kinder Eggs contained respectively 27.44 grams and 27.39 grams at 41% purity and with the third package 27.57 grams of 42% purity. Had it been sold locally in 1 gram units without adulteration the street value would have been between £6,500 and £8,100 and if adulterated between £13,000 and £16,200. 3. It is to be expected that the Crown referred to us the case of *Rimmer v AG*

[2001] JLR 373 which indicates the starting point for various quantities of Class A drugs. The starting points are between 9 and 11 years' imprisonment provided for in *Rimmer*, for quantities between 50 and 100 grams. The total importation that you brought in was 82.4 grams and therefore this is towards the higher end of that band. We accept that your role was that of a courier, but as the Court has often said, couriers play a vital part in the importation of drugs into this island. 4. You have no previous convictions and you entered an early guilty plea. It was difficult perhaps to see how, in the light of the evidence, you could have advanced anything other than a guilty plea, but nonetheless you deserve credit for it and you were cooperative with officers throughout the proceedings and we give the appropriate weight to your plea of guilt and your cooperation. We have read the Social Enquiry Report with care and we know what that tells us about certain features of your background and life history and we take those into account as well. We note the letter of remorse that you have provided and the character references provided for you and we take your remorse as genuine, particularly because you have supported it by your cooperation with the police. 5. We accept that you wish to turn your life around and concentrate on your two children who are to an extent among the innocent victims of your crime. It is all too often the case that the family of drug offenders suffer much as a result of their family

member's criminality, but that cannot of course provide either an excuse or mitigation. 6. The defence has referred us to a number of extracts from Whelan on Aspects of Sentencing in the Superior Court of Jersey and in particular we refer to this section in which the learned author quotes from the case of Miah and Ors

[2007] JRC 113 in the following terms: "9. The additional factor which we have, however, to take into consideration is that the defendant has given valuable information to the police as to the criminal activities of others, and furthermore he has instructed his counsel to acknowledge that co-operation in open court. As we have said on many occasions it is the policy of this Court to encourage criminals to give information about the activities of other criminals. The drug trafficking trade is founded upon fear, violence and intimidation and it is very much in the public interest that those higher up the chain should be aware that co-operation with the authorities is not only encouraged but rewarded. We propose to reduce the sentence which would otherwise have been appropriate for this serious offence by 4 years. And then, further down, in the case of AG v Trinidad 2000/141 the learned author cites:- "One of the reasons for the policy not only to reward the provision of information so that other people may be caught but to encourage others to come forward and provide information in the knowledge that their sentence will be much lower than it would otherwise have been." 7. In this case we place considerable emphasis on the fact that you have not only named individuals involved in drug criminality but have allowed the fact that you did so to be referred to in open court. In our view this justifies a discount in the sentence moved for by the Crown and that, taken together with the other mitigation available, allows us to impose the sentence in the following terms: from a starting point of 10 years' imprisonment you are sentenced to 4 years' imprisonment. 8. We order the forfeiture and destruction of the drugs. Authorities Rimmer v AG

[2001] JLR 373 Whelan on Aspects of Sentencing in the Superior Court of Jersey Miah and Ors

[2007] JRC 113 AG v Trinidad 2000/141. Page Last Updated: 01 Sep 2020 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/2020/>

CASE PAGE <https://chat.esheria.ai/case-law/jersey/ag-v-carragher-2020-jrc-156-04-august-2020>

Prepared on 28 October 2026 · Esheria