

JERSEY / JUDGMENT

AG v Conord [2019] JRC 083 (08 May 2019)

[2019] JRC 083

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JUDGMENT

THE DEPUTY BAILIFF: 1. You are to be sentenced for two offences namely being involved in the importation of cocaine and heroin on 6 th December, 2018. You were stopped by customs officers and although you initially denied possession of drugs you were in fact carrying them internally. Analysis of the drugs revealed that you were carrying 26.04 grams of cocaine of high quality with a street value in Jersey of between £3,300 and £4,200, and you were carrying 17.7 grams of heroin worth between £3,500 and £5,300 in terms of street value. 2. It cannot be said that you were fully cooperative with customs. You did not provide the PIN number for your phone, and although you have some benefit for a guilty plea in these circumstances, as has been said it may be viewed as almost inevitable. You do not have a good record and you have a previous conviction for a drugs related offence. 3. It has been put to us that we should accept your version of events as you explained it to the Probation Officer, but for the reasons advanced by the Crown we do not accept that this is a social supply and in all the circumstances we view that explanation as incredible. We have been told that this should not affect sentence and we proceed therefore on the basis that we did not need to hear evidence and in our view the explanation offered was as we have said, incredible. 4. The Attorney General applies the customary approach set out in the case of *Rimmer & Ors v AG*

[2001] JLR 373 and the larger quantity of the drugs imported fits in to the 8 to 10 year range as a starting point. Furthermore, you brought in two types of Class A drugs and in those circumstances it is appropriate to apply an uplift in accordance with the case of *Valler-v-AG*

[2002] JLR 383 . 5. In sum, we think the Crown's approach is correct and we accordingly assess the starting point including a Valler uplift as 9 years' imprisonment on Count 2 the heroin, and 8 years' imprisonment on Count 1 for the cocaine. We take into account all of the mitigation available including what we view to be an appropriate discount to allow for your guilty plea in these circumstances, but we think that the conclusions of the Crown are correct and you are accordingly sentenced with regard to Count 1 the cocaine to 6 years' imprisonment; with regard to Count 2 the heroin 6½ years' imprisonment, the sentences to run concurrently making a total of 6½ years' imprisonment. 6. We order the forfeiture and destruction of the drugs. 7. We have considered the question of deportation which you do not oppose. We are satisfied that both limbs of the test in *Camacho v AG*

[2007] JLR 462 are passed and we recommend your deportation at the end of your sentence.
Authorities Rimmer & Ors v AG

[2001] JLR 373 . Valler-v-AG

[2002] JLR 383 . Camacho v AG

[2007] JLR 462 . Page Last Updated: 04 Jun 2019 BAILII: Copyright Policy | Disclaimers | Privacy
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