

JERSEY / JUDGMENT

AG v Dang [2022] JRC 251 (14 November 2022)

[2022] JRC 251

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JUDGMENT

THE BAILIFF: 1. You are to be sentenced today for importing just under 100 grams of cocaine on the 7 th September this year, which you concealed internally whilst travelling to the island on a flight from Liverpool. You are also to be sentenced for being in possession of criminal property, £731.31 in cash, on the same occasion. 2. The facts have fully referred to by the Crown but in brief you were stopped on that date whilst arriving from Liverpool Airport by officers of the Customs and Immigration Department. You claimed you were travelling to visit your Grandparents but could not provide details of their address other than saying that they lived in St Clement. You were searched and ion scans were taken which produced positive readings for cocaine and carfentanil. You gave other information relating to family members and friends supposedly in Jersey and you produced the cash that we have just mentioned. 3. As a result of the suspicions of the officers you were detained for search of the person but nothing was recovered. You were then arrested and taken to the Customs custody suite. You provided the PIN number for your phone. An x-ray disclosed that you were carrying packages internally and when those packages were produced they contained the cocaine. In interview you admitted that the purpose of the trip was to bring drugs into Jersey, you were to contact an individual who you knew as John, but said that you did not know him and did not provide his phone number. You admitted lying in your answers to the customs officers, you indicated the drugs had been given to you at your home address in Liverpool by someone you did not know and you knew the drugs to be cocaine. You signed a bank disclosure authority. 4. An estimate of the value of the drugs is that they have a street value of £120 to £220 per gram. Because it is of quite high purity, if it was sold at street level it would be valued between £12,000 and £22,000 if unadulterated, and if adulterated or cut to two times its original weight and sold in single gram units, the street value would range between £24,000 and £44,000. 5. The Crown has put before us the case of *Rimmer v AG*

[2001] JLR 373 and that indicates a starting point of 9 to 11 years' imprisonment for quantities of 50 to 100 grams. In this case you imported 97.87 grams of cocaine with an average purity of 62% and this will place this case towards the top end of the sentencing bracket identified in *Rimmer* . Once the bracket has been identified the starting point is determined by reference both to the weight of the drugs and your role and involvement as the main factors. In terms of starting point we note and agree the Crown's analysis, and its

characterisation of you as a trusted drugs courier with a relatively straightforward role. In our view the correct starting point is 10 years. 6. With regard to possession of criminal property under the Proceeds of Crime (Jersey) Law 1999 in AG v Goodwin

[2016] JRC 165 , the principles were considered and were set out by the Superior Number: "(i) There is not necessarily a direct relationship between the sentence for the laundering offence and the original antecedent offence. Where, however, the particular antecedent offence can be identified, some regard will be had to the appropriate sentence for that offence when considering the appropriate sentence for the laundering offence. (ii) The criminality in laundering is the assistance, support and encouragement it provides to criminal conduct. (iii) Regard should be had to the extent of the launderer's knowledge of the antecedent offence. (iv) The amount of money laundered is a relevant factor." 7. The predicate offence in this case is of course drug trafficking, rightly characterised as a harmful activity attracting substantial custodial sentences. The dealing with the cash obtained from drug dealing is also a service to drug dealers and enables the trade to continue. It is clear from your admissions in interview and indeed from your guilty pleas, that you knew or suspected the cash was obtained from criminal conduct. The amount involved was not particularly large and although we accept that your role was significant, the overall importation, it was relatively unsophisticated. 8. We have, of course, considered the example cases put before us and we should say we agree that the correct starting point is one of 2 years'. The provisions of the Criminal Justice (Young Offenders) (Jersey) Law 2014 apply in your case. You have previous convictions for similar offences and you also have a history of non-compliance with Community Orders. You have been given opportunities and chances to turn your life around in the past. This is serious offending and in all the circumstances we take the view, and you do not dispute it, that a custodial sentence is inevitable. You do have mitigation available to you. You entered a guilty plea at the first appearance, although as the Crown suggests, a conviction would have been all but inevitable given your internal concealment. 9. With regard to the deduction appropriate for a guilty plea in these circumstances, we take the view that the one third allowed for by the Crown is generous and we will take that generosity into account when dealing with the other deductions appropriate for mitigation. You are assessed at a high risk of reconviction within a 12 month period. 10. With regard to the confiscation, you do not oppose what is asked for by the Crown and we make a declaration that you have benefitted in the sum of £731.31 and make a Confiscation Order in the same sum. 11. Turning now to sentence, as we have said we took the view that the deduction allowed for the guilty plea was generous in the case and that as a result the Crown got the sentence correct. With regard to Count 1 you are sentenced to 6½ years' youth detention. With regard to Count 2 you are sentenced to 1 year 4 months' youth detention, concurrent, making a total of 6½ years youth detention. 12. We order the forfeiture and destruction of the drugs and the iPhone. Authorities Rimmer v Attorney General

- [2001] JLR 373 Proceeds of Crime (Jersey) Law 1999 Criminal Justice (Young Offenders) (Jersey) Law 2014 AG v Goodwin
- [2016] JRC 165 AG v Fish and Hinds
- [2016] JRC 181A AG v Bhojwani
- [2010] JRC 116 AG v Reece
- [2022] JRC 151 AG v Davies
- [2022] JRC 107 AG v Cameron
- [2008] JRC 182 Y v AG
- [2021] JRC 143 AG v J
- [2022] JRC 153 Carter v AG (CA, 28 September 1994, unreported) Campbell v AG [1995 JLR 136] AG v Thurban et al
- [2020] JRC 212 AG v Ferguson et al
- [2022] JRC 102 Page Last Updated: 06 Dec 2022 Back to top About JLIB Accessibility Contacts Disclaimer Feedback Privacy policy Site map © Jersey Legal Information Board 2001- This website is not compatible with your web browser. You should install a newer browser . If you live in Jersey and need help upgrading call the States of Jersey web team on 440099. BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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