

JERSEY / JUDGMENT

AG -v- Davey [2005] JRC 125 (12 September 2005)

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JUDGMENT

THE DEPUTY BAILIFF: 1. The defendant in this case imported 2.1 grams of heroin by posting it to himself from England. It was for his personal use. Once it had arrived in the Island he shared 0.1 grams with each of two friends, fellow addicts. 2. He also whilst with them picked up just under 0.3 of a gram which one of those two friends was going to sell. This was a very technical minding on his part. He was going to give it back to the friend very shortly thereafter, later the same day. 3. The Crown has referred this matter to the Superior Number because it is looking for guidance as to the starting point for importations of modest amounts of heroin for personal use. Mr Le Cornu submits that there have been inconsistent decisions. We have been referred to the cases of *Finnigan -v- AG Jersey Unreported [2004]JRC077*, *AG -v- Ferguson Jersey Unreported [2004]JRC162*, *AG -v- Oliveira Jersey Unreported [2005]JRC047*, *AG -v- Harris Jersey Unreported [2005]JRC094* and *A. G. -v- Laycock [2005]JRC120*, where starting points of either 4 or 5 years have been taken for amounts varying between just under 4 grams and something in the order of 7 or 7½ grams. 4. We agree that quantity is an important aspect in fixing a starting point, but it is not the only factor. It is not possible to know from the reports whether there were other factors in some of those cases which explain what otherwise might thought to be an inconsistency. 5. We feel unable to give any more general guidance other than to say this, that in relation to this case, where the amounts involved are less than any of the other cases, we think a starting point of 4 years is appropriate. 6. Similarly, the social supply, in our judgment, should attract a starting point of 4 years and the technical minding of this very small amount of heroin for a very short time. 7. In relation to mitigation the defendant has pleaded guilty. He has a bad record, and a long standing heroin addiction. But he tells us that he is motivated to change and we very much hope that is correct, because if not then he is likely simply to keep going back to prison for further occasions. 8. Taking all that into account the sentence is as follows: on Count 1, 2 years imprisonment; Count 2, 1 year's imprisonment; Count 3, 2 years' imprisonment; Count 4, 2 years' imprisonment; Count 5, 2 years' imprisonment, all of those to be concurrent, making 2 years' imprisonment in all. We order the forfeiture and destruction of the drugs. Authorities *AG -v- Oliveira Jersey Unreported [2005]JRC047*. *Finnigan -v- A. G. [2004]JRC077*. *AG -v- Ferguson [2004]JRC162*. *AG -v- Harris [2005]JRC094*. *AG -v- Laycock [2005]JRC120*. Page Last Updated: 14 Jul 2016 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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