

JERSEY / JUDGMENT

AG v Ellis [2022] JRC 113 (23 May 2022)

[2022] JRC 113

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

JUDGMENT

THE DEPUTY BAILIFF: 1. Kasie Ellis, now we know that you are extremely anxious so two things flow from that. Firstly you can sit down and secondly, I will tell you at the outset that you are going to receive a suspended sentence of imprisonment. I tell you that now so that you can listen to what else we have to say. 2. You are 41 years old and have previous convictions for dishonesty, the last recorded matter being five years ago. You are from and live in South Wales and on 5 th January 2022, you were stopped by customs officers as you arrived in Jersey on a flight from Bristol. You were travelling alone on a one way ticket. You told the customs officers that you had come here for three weeks to do some care work. Only £50 was on your person. 3. You tested positive for Covid and as you had no funds to pay for accommodation you were taken to an hotel to isolate for 10 days in accordance with the law as it then stood. On 10 th January you left this hotel in the afternoon in breach of the Covid rules and met a man at the Royal Yacht Hotel where you went to a bedroom, leaving almost immediately thereafter. On 11 th January you left the hotel where you were staying for the airport. You were arrested at the airport for breaching the regulations then in force as your time for isolation had not expired. You said you had £2,000 cash on you and you were arrested on suspicion of money laundering. You claimed to have earned these monies in the course of prostitution in the island which the Crown does not accept and you accept is untrue. 4. Further searches revealed other cash on you and in your baggage totalling, including the £2,000 we have mentioned, £8,020. You claimed some of the cash had been left for you at the hotel reception. In interview you said that you were in receipt of state benefits and child maintenance in the United Kingdom and had only £50 in your bank account. You made no comment in relation to the questions you were asked about the £8,000 cash. 5.

Analysis

of your mobile telephone (you gave the police access to your phone for which you are entitled to credit) indicate that you had contact with individuals with Jersey. That contact is consistent with you being given instructions to collect the money from the Royal Yacht Hotel that was seized from you. 6. You were not in this island to work as a care assistant or to work as an escort or prostitute. You were here to collect the proceeds of crime and you did so knowingly. You did not plead guilty at the first opportunity but did so on the first appearance in this Court. Money laundering is a serious offence in Jersey. It is overwhelmingly likely that you were collecting the proceeds of drug trafficking. The cash seized upon you was mainly in Jersey £10 and £20 notes,

consistent with the money being generated from the supply of drugs in the island, and you being tasked with taking the monies to those who sourced the drugs in the first place in the United Kingdom. Without people like you drug trafficking enterprises would be unable to operate successfully in the island. 7. You are assessed by the Probation Service at being medium risk of reconviction owing to your criminal history of drug use and clearly, in view of this offence, your criminal associates. We have a report from Dr Boucher, a consultant psychiatrist, which we have read with care and to which we will return. You say you have not committed an offence such as this before and certainly you have no convictions for doing so and we accept what you say, notwithstanding the evidence the Crown have brought to our attention of previous short visits to the island last year. 8. Having regard to the application of the factors in AG v Goodwin

[2016] JRC 165 we have no doubt that the starting point for this offence after a trial would be one of 2 years' imprisonment. From that we need to give you credit for your guilty plea and the mitigation that you advance. We have considered our powers to suspend your prison sentence under the Criminal Justice (Suspension of Prison Sentences) (Jersey) Law 2003 . The statute gives no guidance as to the extent of the Court's discretion but cases such as AG v Turney

[2016] JRC 175 and other authorities indicate that generally the Court only suspends a period of imprisonment if it is able to find exceptional circumstances. In this case we do find that there are exceptional circumstances for the reasons advanced on your behalf today. Firstly, you are on any view a vulnerable woman, you have had a difficult life starting with your childhood; most of your siblings were taken into care before you were born and your parents were both sent to prison when you were 8 years old and then again when you were 11. There were other challenges in your childhood of a nature that it would be inappropriate for us to set out or to refer to in open court so we do not. Plainly you were scarred by that childhood and have struggled for much of your adult life leading you to be, and we accept, someone who was preyed upon for the purpose of this offence. 9. Secondly, you have a daughter who is 10 years old and we have read about her and one of the people who has written to the Court on your behalf describes your daughter as very attached and devoted to you and expresses the view, which we accept, that an extended time away from you would be detrimental to her. You are the principal carer for your daughter, she has no contact with her natural father and we accept that your imprisonment would be very difficult indeed for her. You may also lose the private rental accommodation which your daughter has occupied throughout her life and you have occupied for in excess of 20 years if you were to be sent to prison today. 10. Thirdly, you care for your mother who is in very poor health suffering from dementia, a stroke, and other conditions that we have heard about today. We note that you travel to her daily by bus to care for her, that you receive a carers allowance from the government for so doing and you spend every weekend with your mother, taking your daughter with you, and we can only imagine how difficult it would be for her if her principal carer was to be sent to prison today. 11. So for these reasons we find exceptional circumstances. We give you credit, not full credit, for your guilty plea, but having regard to that plea and the other mitigation we fix the custodial

term that we are suspending today as 16 months' imprisonment. 12. In addition to imposing a suspended sentence we are entitled under the statute to which we have referred to make a supervision order under Article 6 which we do, and we order that you be placed under the supervision of Rebecca Strong, Senior Probation Office, Wales Probation Trust within Barry Police Station, Gladstone Road, Barry. We have heard from the Probation Officer in Court today who has expressed the view that you would benefit from the advice and support that will be provided by the Probation Service under this order and we make the supervision order for the period of two years which is the same period as we are suspending your sentence of imprisonment for. 13. So let me explain to you in ordinary language what the effect of our order is. You are sentenced to a period of 16 months' imprisonment, suspended for 2 years. That means that if you commit any offence punishable by imprisonment within the next 2 years then in addition to the sentence for that further offence you will also be required to serve a consecutive prison sentence of 16 months unless for any special reasons the Court decides not to impose that sentence, and also during that period you will be supervised by the Probation Service in Barry which we hope you will find useful and should help you with the various challenges that you encounter in your daily life. 14. We also order that your telephone be forfeit and destroyed, save that the memory card within that telephone can be returned to you once reviewed by the Customs and Immigration Service. 15. We adjourn the question of confiscation order until 11 August 2022 and grant permission for the Defendant to attend that hearing via video link. Authorities AG v Goodwin

[2016] JRC 165 . Justice (Suspension of Prison Sentences) (Jersey) Law 2003. AG v Turney

[2016] JRC 175 . Proceeds of Crime (Jersey) Law 1999. AG v Brennan

[2016] JRC 234 . AG v Fish and Hinds

[2016] JRC 181A . AG v Bhojwani

[2010] JRC 116 . AG v Davies

[2022] JRC 107 . AG v Hagin

[2020] JRC 157 . AG v Hagin

[2020] JRC176. AG v Whelan, Grace and Robinson

[2017] JRC 040B . AG v Rae and Spinola

[2017] JRC 080 . Rae v AG

[2017] JCA 197 . Page Last Updated: 12 Jul 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

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/2022/>

CASE PAGE <https://chat.esheria.ai/case-law/jersey/ag-v-ellis-2022-jrc-113-23-may-2022>

Prepared on 26 October 2026 · Esheria