

JERSEY / JUDGMENT

AG -v- Gillespie [2015]

JRC 115 (27 May 2015)

[2015] JRC 115

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JUDGMENT

THE DEPUTY BAILIFF: 1. You are here to be sentenced this morning for being knowingly concerned in the fraudulent evasion of the prohibition on the importation of approximately 123.2 grams of cocaine, a Class A drug with a value of approximately £10,000. The offence came to light when, on 23 rd January of this year, you were stopped and searched by customs officers at the airport. Although you initially provided a false reason for coming to the island, when it became clear that a search was to be undertaken, you admitted that you were carrying an amount of cocaine hidden in your underwear. You made frank admissions to the police but did not provide information as to who you were bringing the drugs in for, which is a common feature of cases of this nature. You pleaded guilty but, as is also often the case in drugs importation you were, in effect, caught with illegal drugs on your person. However, the Court is going to allow full one-third discount in respect of your plea. 2. You do not have a good record but none of your previous convictions relate to drugs offences and they appear to be of a relatively minor order. The Court notes the guideline case of Rimmer Lusk and Bade-v-AG

[2001] JLR 373 and notes that the starting point for trafficking offences, as this is, for a quantity of between 100 and 250 grams is in the 10-13 year range. We accordingly agree with the Crown that the appropriate starting point is at the lower end of the scale and should be one of 10 years. 3. As I have said we have noted your guilty plea and the Crown accepts that you were a simple courier and were not close to the source of supply. 4. We have listened very carefully to all that your advocate has said on your behalf and have also read most carefully the communications from the people with whom you reside in Glasgow and indeed from your doctor. We acknowledge that these communications speak well of you and that you have had difficulties and medical challenges over the years. 5. However, none of these factors, to our mind, are sufficiently exceptional in nature to cause the Court to depart from its normal approach in dealing with drugs trafficking. Even though we allow a full one-third discount for your plea, we think the Crown's conclusions are correct and in fact those conclusions numerically allow not only for that third but for an additional discount by way of mitigation. 6. Accordingly you are sentenced to 6 years' imprisonment. 7. We also order the forfeiture and destruction of the drugs. Authorities Rimmer Lusk and Bade-v-AG

[2001] JLR 373 . AG-v-Knowles

[2014] JRC 007. AG-v-Dobson

[2011] JRC 197 . Page Last Updated: 24 Jan 2018 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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Prepared on 26 October 2026 · Esheria