

JERSEY / JUDGMENT

AG v Gregory Gregory and Raffray

[2005] JRC 044 (14 April 2005)

[2005] JRC 044

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

JUDGMENT

THE DEPUTY BAILIFF: 1. Martin Gregory imported some 235 grams of heroin into Jersey. He travelled here with his wife Elaine Gregory by boat. After arrival he told his wife about the heroin; by then he was feeling ill because of all the laxatives he was taking in an attempt to excrete the heroin he had swallowed. 2. She made contact with the people in England who had organised the importation and she then made the necessary arrangements to meet the co-defendant Raffray at a bar in order to hand over the drugs to him. The hand over took place as arranged and at that time the police moved in and arrested all three. The amount of heroin handed over to Raffray was 226 grams, the reminder being still inside Mr Gregory. 3. The background to the offending from the Gregorys' point of view was that they owed some £2,000 to a drug dealer in England in respect of their joint cocaine habit. Mr Gregory was prevailed upon to undertake this drug run in order to clear the debt. He was also, it is thought, offered £1,000 and a week's holiday in Jersey. 4. Both defendants say that they thought they were dealing with amphetamine rather than heroin, but it is clear from the case of Campbell and Ors [1995 JLR136] that it is only in exceptional cases that a mistaken belief in the nature of the drug is a mitigating factor. We find nothing exceptional in this case and, therefore, that is not a mitigation. The damage done to the community is the fact that all this heroin would have been let loose amongst the young people of Jersey. 5. As to Raffray, he pleaded not guilty. There is therefore no direct evidence as to the part he was playing. Having considered the matter we are willing to accept Mr Haines' submissions that he was going to collect the drugs and in due course pass them along the chain. He was, in other words, another link in the chain of distribution. 6. We must first consider the starting points. The case of Rimmer and Others [2001 JLR373] provides a 10 - 13 year bracket for 100 to 250 grams. The Crown have taken a starting point of 12 years for all three defendants. We point out immediately that we find that a little hard to understand in the case of Mrs Gregory given the Crown's own concession that she played a lesser part because she only learnt of this importation after it had been done. The starting point is affected by the nature and scale of the involvement in the offending, and therefore is to be taken into account in the starting point rather than in mitigation. 7. It is worth noting that the next bracket in Rimmer is for 250 grams upwards and that is 11 - 14 years. It follows that somebody such as a simple courier who imports 250 grams would expect to find a starting point at the bottom of that scale namely 11 years.

Nevertheless, the Crown in this case has suggested 12 years. We think that is too high. We are satisfied that Mr Gregory was a conventional simple courier who committed the offence in the circumstances we have described and we think the correct starting point for him is 11 years. 8. The involvement of his wife was less; she only became involved after she was here and as Mr Steenson said, no doubt there was a certain pressure to assist her husband in the position he had got himself into. We think the correct starting point to reflect her rôle is one of 10 years. 9. As to Raffray, we think that he was simply another link in the chain in the same way that a courier is and we see no reason to distinguish his rôle from that of Mr Gregory and, therefore, we take a starting point of 11 years in his case. 10. We must then consider the mitigation in each case starting with Martin Gregory. We note the circumstances in which the offence was committed. We take account of the guilty plea and the early co-operation because Mr Gregory admitted his part immediately. We note he has a record but it was all committed when he was very young after a difficult background and essentially he has been out of trouble since he was 17, save for one offence of criminal damage when he was about 25. There are no previous drug offences. He has a good work record and we have seen the references. He is remorseful, we accept that, and we have read his letter and we have noted everything said in the Social Enquiry Report. 11. Significantly, there is one additional piece of mitigation, namely that he has given the police the name of a person who may have had some connection with this importation. It was a name that he was told. There is very little detail in the information that has been given and it has not in fact led to any particular arrest or progress. But the Court has no reason to doubt that it is genuine, and the Court has always been keen to encourage the provision of information and the acknowledgment of that in open court. Clearly the amount to be given by way of additional discount will depend upon the detail of the information, how useful it turns out to be and a variety of other matters. Nevertheless, we think that additional mitigation should be given for what Mr Gregory has done in this respect. Taking all these matters in the round we think a deduction of 5 years from the starting point is correct. The sentence on the one count you face, Mr Gregory, is one of 6 years' imprisonment. 12. We then turn to Elaine Gregory; the circumstances of the offence we have described earlier. She also pleaded guilty. She has a record, but again no drug offences and most of them were committed over a fairly short period when she developed a heroin habit at 28 under the influence of her then partner. 13. We have read the references, we note her remorse, and we particularly note the effect on her daughter who lives with them. This is however something for which Mrs Gregory must take the prime responsibility. We have read the back-ground report and, of course, there are similar considerations in respect of the giving of the name. Taking all these into account we think a similar deduction is appropriate. The sentence, Mrs Gregory in your case, is one of 5 years' imprisonment. 14. Finally Raffray; here there is no mitigation for a guilty plea, because he pleaded 'not guilty'. He has committed a previous serious offence of importation for which he was sentenced to 10 years and he only came out of prison in 2002. The Crown said there was no mitigation. We think there is some. He was a model prisoner, he has had a good work record since he came out and he has looked after his parents. All in all, we think a deduction of one year is appropriate. In your case the sentence, therefore, is one of 10 years' imprisonment on Count 6 and 3 months' imprisonment on Count 8, concurrent making a total of 10 years' imprisonment. We order the forfeiture and destruction of the drugs. Authorities A. G. -v-

Kenward (6 th March, 2000) Jersey Unreported; [2000/42]. A. G. -v- Miah (Aklas) (4 th November, 2002) Jersey Unreported; [2002/210]. A. G. -v- Miah (Mohammed) [2004]JRC048. Mooney and Sumner - v - A. G. [2005]JCA023. Campbell & Ors [1995 JLR136]. Rimmer & Ors [2001 JLR373]. A. G. -v- Raffray (20 th July 1995) Jersey Unreported; [1995/140]. Fortson: Misuse of Drugs and Drug Trafficking Offences (4 th Ed'n): pp. 69 -71. Page Last Updated: 14 Jul 2016 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/2005/>

CASE PAGE <https://chat.esheria.ai/case-law/jersey/ag-v-gregory-gregory-and-raffray-2005-jrc-044-14-april-2005>

Prepared on 29 October 2026 · Esheria