

JERSEY / JUDGMENT

AG v Jones [2020] JRC 145 (28 July 2020)

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JUDGMENT

THE BAILIFF: 1. You are to be sentenced today concerning the importation of 27.65 grams of cocaine with an 81% purity. This was a commercial quantity with a street value range of between £9,000 and £14,000. 2. The Crown accepts, as do we, that you were acting as a courier and would not be directly benefitting from the onward sale of the drugs that you were seeking to import. But as the Court has often said in the past couriers play an essential role in the drugs trade. 3. The guidelines that the Court applies in a case such as this are to be found in the case of Rimmer-v-AG

[2001] JLR 373 , and in that case the Court of Appeal, as the Crown has said set out guidelines for sentencing the trafficking of Class A controlled drugs in powder form. Those guidelines provide bands for sentencing and the range of 20 to 50 grams attract a starting point of between 8 and 10 years' imprisonment, and we accept that the importation of 27.65 grams of cocaine is at the lower end of the band in the Rimmer guidelines. 4. The purity of these drugs were very high indeed, and the Court in Rimmer said this "However, if the degree of purity is very high, at about 75% or greater, then it may be appropriate in particular cases to increase the starting point to take account of this because, first, a consignment of such high purity is much more likely to be "cut," and secondly, if it is not cut, it will do greater harm to those who consume the drugs." 5. Whilst you have the benefit of a guilty plea you were carrying the drugs internally and it is difficult to see how a not guilty plea would have been in any way tenable. Nonetheless, you are entitled to the appropriate reduction in sentence to reflect the fact there is a guilty plea although in our judgment that deduction should not be the full one third. 6. You do not have the benefit of a good record and you have previous convictions for possession of cocaine, but non for importation or trafficking. We accept that your reason for engaging in this activity was to pay off a drugs debt and to that extent you will have benefitted indirectly from the importation. We do not regard that as any form of mitigation. 7. We note however, the contents of the Social Enquiry Report which point to the difficulties you experienced in early life and indeed during your adult years. We view the contents of that report as of considerable significance, and we also note that you are taking active steps to take advantage of the opportunities available to you in prison and we accept as genuine your desire to change your ways and adopt a more pro-social and life enhancing lifestyle. 8. The references that you have put before us both from your family and others speak well of you and give us a picture of the better aspects of your character. It is clear that a number of people value you

and are prepared to speak up for you and we note, of course, the expressions of remorse that you have given us. However, this is a serious offence and must be visited with the appropriate punishment. 9. We turn now to the appropriate sentence and, as we have said, couriers play an important role in the supply of controlled drugs and the Court will do all that it can to protect the island from this unlawful trade. In our judgment the Crown is correct in assessing the starting point as being 8 years and 6 months' imprisonment, but we do not think sufficient allowance has been made for the personal mitigation that you have in this case, and allowing for all of the mitigation contained in all of the documentation before you and in the submissions made by counsel you are sentenced to 5 years' imprisonment. 10. We make the declaration of benefit as requested by both counsel in the sum of £2,500 and we order a Confiscation Order in the nominal sum of £1. 11. We order the forfeiture and destruction of the drugs. Authorities Rimmer-v-AG

[2001] JLR 373 Page Last Updated: 18 Aug 2020 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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