

JERSEY / JUDGMENT

AG v Lavin [2003] JRC 197 (03 November 2003)

[2003] JRC 197

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JUDGMENT

THE DEPUTY BAILIFF: 1. Lavin, you imported 6.9 kilos of cannabis with a street value of about £40,000 and 5,000 ecstasy tablets with a street value of about £50,000 concealed in a car. You were a courier and you agreed to do this run in exchange for forgiveness of your debt and £1500. You have an appalling record, having spent more of your adult life in prison than out of it and, according to the Drug & Alcohol Report, your longest period outside has been some two years. 2. The first thing we have to do is fix on a starting point for the 5,000 ecstasy. If that stood alone we would agree with the Crown that a starting point of eleven years was correct. For the 6.9 kilos of cannabis, if that stood alone, given the range of two to six years for one to ten kilos, we think that, taking account of your role, the correct starting point for that would have been four years. We then have to apply the principles set out in the case of Valler and we must increase the starting point for the ecstasy offence to take account of the cannabis offence but it is not a mathematical addition of the two starting points. We think, bearing in mind all the submissions we have heard and the circumstances of the offence, that an addition of one year to the ecstasy starting point is correct so that makes an overall starting point of twelve years. 3. In mitigation we take into account the guilty plea, the fact that you have no previous drugs convictions, amongst your many other convictions, that your marriage has broken up since you were last released from prison, and that you are now fifty-two and you have spent so much of your life in prison. We accept what you say, that you didn't know it was ecstasy, but it is clear from Campbell that that is not a mitigating factor. 4. Baring in mind all these matters, we think the Crown has made the right overall deduction. So, the sentence on count 1 is seven years' imprisonment, on count 2, making a roughly proportionate reduction, two and a half years concurrent so the total is seven years' imprisonment and we order the forfeiture and destruction of the drugs. Authorities AG -v- Valler (28 February 2002) Jersey Unreported; [2002/48] AG -v- Le Mière (25 March 2002) Jersey Unreported; [2002/68] AG -v- Munro-Rourke (28 May 2002) Jersey Unreported; [2002/107] Valler -v- AG (18 July 2002) Jersey Unreported; [2002/133] AG -v- Bonnar and Noon

[2001] JLR 626 AG -v- Campbell & Ors

[1995] JLR 136 Page Last Updated: 18 Jun 2015 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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