

JERSEY / JUDGMENT

AG v Le Breton [2022] JRC 266 (02 December 2022)

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JUDGMENT

THE COMMISSIONER: 1. Mr Le Breton you have been charged and pleaded guilty to two counts on the Indictment. The first is being knowingly concerned in the importation of cannabis, and the second is being knowingly concerned in the importation of methadone. The amount of cannabis was 200 grams and the methadone was 7 tablets at something under a gram. 2. The methadone was said to be worth £140 at street value and I am going to deal with the methadone first because that is a Class A drug and this Island regards the importation of any drugs, but particularly Class A drugs, as very serious. That is why we have a sentencing approach which requires us to start at a sentence of 7 years' imprisonment for the importation of Class A drugs. 3. The experience of this Court is that if we were dealing with a local person who was in possession of this small amount of a Class A drug there are cases where a non-custodial sentence would have been imposed and also cases where a custodial sentence would be imposed. That emphasises that the quantity of drugs is an important consideration and what we have to balance is the seriousness of importing Class A drugs against the small quantity in circumstances where they are for your personal use as the Crown accepts. 4. As far as the cannabis is concerned we have had to consider whether we think that you should be treated as somebody who was going to deal in the cannabis or whether we should treat it as being for your personal use. While there are some strong arguments that suggest that you would be dealing in it, one Jurat considers that it was possible that you were going to keep the drugs here and use them on your next visit during your work. The other Jurat considers that it is clear to the criminal standard that you would have dealt in the drugs. I emphasise that the test for us is whether we are satisfied beyond reasonable doubt that you would have dealt with the drugs yourself. In the circumstances we are going to give you the benefit of the doubt and treat you as having been concerned in the importation of the cannabis for your own personal use. As a result, the amount of cannabis which is the subject of your charge at 200 grams takes us below the level where what we call the Campbell guidelines apply (Campbell v AG

[1995] JLR 136) and so we are not looking at fixing a starting point in accordance with those guidelines. 5. Here we are faced with a Defendant who has imported some Class A and some Class B drugs for his own personal use. He has no previous convictions of relevance to what we have to decide. You have provided a letter to us which we have accepted shows

that you have remorse. You were cooperative in the sense that you have given access to your financial affairs and also given the PIN number for your telephone and indeed the absence of material on the telephone might also be relevant to the defence you have that you were going to use the drugs yourself. 6. It is clear that the Pre-Sentence Report shows you not to be someone who socialises well and so we have reached the conclusion, having regard to all your mitigation including of course your guilty plea, and the guilty plea is the most important of all, that we should reduce considerably the conclusions of the Crown. In the circumstances we are going to sentence you as follows. On Count 1 you are sentenced to 2 months' imprisonment. On Count 2, you are sentenced to 9 months' imprisonment, and the two will run concurrently making a total of 9 months' imprisonment. 7. We order that the drugs be forfeited and destroyed. 8. The Crown has moved for a recommendation for deportation which is not resisted by you and the Court considers it is possible to justify that on the basis the Crown suggests and we therefore will make a recommendation for your deportation when you have served your sentence. 9. Mr Le Breton the Court hopes that what your counsel describes as a turning point in your life will be so. Authorities Campbell v AG

[1995] JLR 136 . Rimmer & Ors v AG

[2001] JLR 373 Bonnar v AG

[2001] JLR 626 AG v Quirke

[1994] JRC 093 AG v Gittens

[2018] JRC 201 AG v Massay

[2022] JRC 208 R v Cairns

[2013] EWCA Crim 467 Camacho v AG

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