

JERSEY / JUDGMENT

AG v Leigh (Royal Court : Sentencing (Criminal) : Binnington) [2025] JRC 170 (26 June 2025)

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JUDGMENT

THE COMMISSIONER: 1. Alan Leigh, you are 57 years old and appear before this Court for sentencing in respect of one count of possession with intent to supply 15.709 kilograms of cannabis resin, one count of possession with intent to supply 373.47 grams of cannabis resin, and one count of possession of criminal property, namely £10,535.00 in cash. 2. The larger amount of cannabis was in two camping bags found by staff working at a storage unit in Trinity, the smaller amount, together with the cash, being found following a search by the police of your van. 3. When you were first interviewed by the police, you accepted that the camping bags were yours but denied intent to supply. You claimed that you had accrued a debt to a loan shark and that in order to get out of the debt you were instructed to dispose of the two camping bags. 4. That explanation was at odds with the deal lists and other communications downloaded from your mobile phone by the police, which make clear that you were actively dealing in the supply of cannabis to others. You subsequently accepted, as confirmed in your letter of remorse, that you began selling cannabis at a time when you were out of work and in debt. 5. The expert evidence which we have seen indicates that the total of just over 16 kilos of cannabis found in your possession, whilst of inferior quality, would have a street value of at least £252,000, the lowest wholesale value being £134,400. Furthermore, the significant amount of cash found in your van represents part of the proceeds of your drug dealing. The expert evidence also suggests that the large quantity of cannabis indicates your position as a high level trusted dealer within the drug trading community. 6. The Crown Advocate has drawn our attention to the 1995 Court of Appeal decision in *Campbell v AG*

[1995] JCA 061, in which the Court laid down sentencing guidelines to be applied in cases concerning the trafficking of cannabis. Those guidelines indicate a starting point for quantities between 10 and 30 kilograms of between 6 and 10 years' imprisonment. The Court pointed out that the position of a particular defendant within these bands was to be determined by reference to the weight of the drugs and the defendant's role and involvement as principal factors. The Court indicated that whilst the value of the drugs should also be considered, it was a factor of less significance. In putting forward its

conclusions, the Crown has adopted the approach taken by the Court in AG v Gaish

[2006] JRC 109 , namely that rather than imposing consecutive sentences for Count 1 and Count 2, it is suggested that we impose concurrent sentences for those two counts taking a starting point based upon the band that would apply to the total quantity of cannabis found in your possession. 7. Taking into account the weight of the drugs and your role as a top tier dealer, the Crown has adopted a starting point of 8 years' imprisonment. 8. In relation to Count 3, the possession of criminal property, namely the cash, the Crown has applied the principles set out by the Superior Number in the 2016 case of Goodwin (AG v Goodwin [2016] JRC165), which has led them to suggest a starting point of 4 years' imprisonment in respect of that Count. 9. However, they have recognised that whilst they would normally move for a consecutive sentence where there was some act of laundering of the money discrete from the principal offence, there was no attempt to launder the money found in your van and, as such, no additional mischief. They have therefore suggested that we take a proportionate approach and impose a sentence on Count 3 which runs concurrently to that in respect of Count 1. 10. Our views as to the Crown's starting point, to which I have referred, are that in relation to Count 1 we regard a starting point of 7½ years as appropriate taking into account all of the factors referred to in the Campbell guidelines. 11. In respect of Count 3, we regard 3 years as the appropriate starting point, considering in particular the limited nature of the laundering of proceeds. 12. In relation to mitigating factors, whilst you initially entered a "not guilty" plea to Count 1, you entered guilty pleas to all counts when you were indicted, that being your first opportunity to enter pleas to Counts 2 and 3. We agree that you are entitled to full credit for your guilty pleas. 13. We note that you have no drug related convictions. Your previous convictions are for motoring offences and a conviction some 30 years ago for shoplifting. 14. The pre-sentence report indicates that there is very little to indicate a criminal lifestyle and suggests that these offences were likely to have been financially motivated coupled with poor decision making and a lack of consequential thinking. 15. We have taken into account the matters referred to in your letter of remorse, and to the fact that you had a good work record having rarely been without work since leaving school. Letters to the Court from a close friend and from family members emphasise your concern and care for your family. We note that whilst in prison you have taken advantage of the opportunities offered and that you are now teaching guitar to other prisoners and have offered to teach computer literacy, in addition to offering your help to the prison librarian with administrative tasks. We further note that you have been put forward by staff to act as an orderly, helping new inmates orientate themselves within the prison and providing them with assistance in relation to tasks such as the completion of forms. We would encourage you to take full advantage of the opportunities that are offered to you whilst you are in custody. 16. The pre-sentence report assesses you as being at low risk of re-offending and re-conviction, and as presenting a low risk of harm. The report further notes that you have demonstrated remorse for your actions and that you acknowledge the impact that drugs have on individuals, families and the community. 17. Before passing sentence, I

must first deal with the ancillary orders that are sought by the Crown, and which are not resisted by the defence. We make a confiscation order in terms of the order set out on page 13 of tab 9 of the bundle assessing your benefit from drug trafficking in the sum of £245,000 and making the confiscation order as sought. 18. We order the forfeiture and destruction of the drugs recovered. 19. If you now stand up please, Mr Leigh. 20. We have listened carefully to all that has been said on your behalf. However, we cannot ignore the substantial quantity of drugs that were in your possession and your obvious willingness to supply to others further down the supply chain. As the Court of Appeal made clear in its decision in the case of Rimmer (Rimmer v AG

[2001] JLR 373), the policy of the Jersey Courts is to impose strong punishments to mark the particularly antisocial nature of drug trafficking in Jersey. You are right to acknowledge the impact on the health of users, but one must also have regard to the extensive use of credit in the supply chain which can also lead those involved into further criminal activity to pay off their debts. As I have already stated, we have made an adjustment to the starting points sought by the Crown and taken into account further mitigation beyond your guilty plea, namely your strong work ethic, your remorse, your lack of previous drug convictions, and your role as a father to a family who clearly hold you in high regard. We further recognise your co-operation in providing your telephone pin number and authorising bank disclosure. 21. We therefore sentence you as follow:- (i) In respect of Count 1, 4 years and 6 months' imprisonment. (ii) In respect of Count 2, 5 months' imprisonment to run concurrently to Count 1. (iii) In respect of Count 3, 1 years' imprisonment to run concurrently to Count 1, making a total of 4 years and 6 months' imprisonment. 22. I am grateful to both counsel for their submissions and indeed to the Defendant's family for appearing this morning to support him. Authorities Campbell v AG

[1995] JCA 061 . AG v Gaish

[2006] JRC 109 . AG v Goodwin

[2016] JRC165. Rimmer v AG

[2001] JLR 373 . AG v Ayres

[2024] JRC 195 AG v Bhowjani

[2010] JRC 116 AG v Hagin

[2020] JRC 176 AG v Hussain

[2024] JRC 183 AG v Hussain

[2024] JRC 235 Campbell v AG

[1995] JLR 136 . Misuse of Drugs (Jersey) Law 1978 Proceeds of Crime Law (Jersey) 1999 Page Last Updated: 24 Jul 2025 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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