

JERSEY / JUDGMENT

AG v Mitchell [2022] JRC 213 (11 October 2022)

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JUDGMENT

THE BAILIFF: 1. You are to be sentenced with regards to one count of importation of 112.25 grams of high purity cocaine into the island on the 21 st July. 2. You were stopped by Customs and Immigration Officers after your arrival from Liverpool Airport and were searched, as a result of which positive ion scans for cocaine were obtained from your belongings. You told officers that you were staying for the night and were travelling for a job interview but you did not know any names or possess contact details for the people that you were meeting. You could provide no support for that story. 3. Following being detained you asked, after some hours, to use the drugs recovery toilet making frank admissions as to the fact that you were carrying cocaine internally. You produced 16 condom wrapped packages. Your phone was confiscated and you provided your PIN to a customs officer. In interview you gave mostly no comment responses but you did indicate that you were due to receive £1,500 for undertaking the importation. The analysis of the powder that you imported confirmed that it comprised 112.25 grams with a purity of 81%. The street value level for this amount would be between £13,440 and £24,640 if left unadulterated. 4. The Crown has directed us to *Rimmer v AG*

[2001] JLR 373 in which the Court of Appeal laid down sentencing guidelines for cases involving the trafficking of Class A controlled drugs in powder form. The guidelines suggest a starting point of between 10 and 13 years' imprisonment for quantities of 100 to 150 grams, and the amount that you imported places this case, therefore, at the lower end of that sentencing bracket. Once the bracket has been identified the Court determines the starting point by reference to the weight of the drugs and your role and involvement, with some consideration being given to the value of drugs. In *Rimmer v AG* , as you will have been advised and heard in Court today, the Court there also considered the effect of a high purity importation. It was assessed that purity of 75% or greater was high and that it might in the circumstances be appropriate to increase the starting point, as the drugs imported were likely to be adulterated or if unadulterated, would be more harmful. The drugs you imported could have been adulterated a number of times to get to the usual street level purity of 15%. 5. Taking these factors into account and the fact that you were to be paid £1,500, and your role which we identify as that of a simple courier, the quantity and purity of the cocaine and that role suggests to us that starting point of 11 years is appropriate,

being 10 years within the bracket with a 1 year further enhancement to reflect purity. 6. You do not have the benefit of good character, having some 38 previous convictions including 10 for drugs offences. You were convicted in July 2012 for being concerned in the supply of Class A drugs and the drug in those circumstances was cocaine and you received a 4 year prison sentence. You are, of course, entitled to the benefit of a guilty plea, although we have to agree with the Crown that a conviction would be all but inevitable in these circumstances. Nonetheless a guilty plea is of value and saves wasted time and costs. You were co-operative in the sense that you provided your PIN to your mobile telephone and signed a bank disclosure authority. You gave largely no comment interviews however as we have already said. 7. In terms of other mitigation, we note the contents of the pre-sentencing report and we note your letter of remorse and your references. We note also your work ethic and your exemplary behaviour in prison, all of which point to a very different aspect of your character. 8. In summary, however, this was a commercial importation of a substantial amount of Class A drugs with a high purity and the Court's policy is clear. Couriers such as yourself play a vital role and must be sentenced accordingly. From a starting point, as we have said, of 11 years' taking all the available mitigation into account you are sentenced to 7 years' imprisonment. 9. We make the order for the forfeiture and destruction of the drugs. Authorities *Rimmer v AG* [2001] JLR373

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