

JERSEY / JUDGMENT

AG -v- Murphy [2009]

JRC 155 (04 August 2009)

[2009] JRC 155

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JUDGMENT

THE commissioner: 1. This defendant has pleaded guilty to possession with intent to supply of 709 grams of heroin. That is a very substantial quantity with a street value of £709,000 and a wholesale value of between £200,000 and £350,000. 2. The Crown has agreed that Murphy is to be regarded as a minder, although in sentencing terms that is not a significant mitigating factor. A person who is entrusted with £700,000 worth of drugs is clearly fairly close to the dealer. Murphy claims that he thought the drugs were cannabis but that is not a mitigating factor; he could have found out with minimal effort that it was heroin. He removed the scales from the bag and chose not to look further inside. It is also, in one sense, an aggravating feature that he left the heroin at the house of his girlfriend's parents and potentially involved them in his offending. 3. The Crown Advocate has taken a starting point of 15 years' imprisonment. That is in line with the guideline case of Rimmer, Lusk and Bade-v-AG

[2001] JLR 373 and despite the submissions of defence counsel, we think it is correct. 4. In mitigation Ryan has admitted his offending at an early stage and pleaded guilty to the Indictment. He exonerated his girlfriend and her parents which mitigates the fact that he hid the drugs at their home. He is a young man, now aged 24. We are reluctant to send young men of his age to prison for a very long time. On the other hand, the harm that might have been done to society if this quantity of heroin had found its way onto the streets of Jersey is almost incalculable. As this Court has said on so many occasions, heroin is a vicious and addictive drug and those who traffic in it or help those who deal in it must expect severe sentences. 5. Ryan, you knew what you were doing, you told the Police that you were not coerced, and you must be taken therefore to have accepted the consequences of what you were doing. We have read your letter very carefully and we are glad to see that you are making the most of your time in prison. We have also read the letters from your parents and from other members of your family and friends and it is very sad for them that you have placed yourself in this position. At the end of the day we have to punish you for what you did. 6. The conclusions are granted and you are sentenced to 8 years' imprisonment. 7. We order the forfeiture and destruction of the drugs. Authorities Rimmer, Lusk and Bade-v-AG

[2001] JLR 373 . Whelan's aspects on Sentencing in the Superior Court of Jersey. Welsh-v-AG 2002/72. AG-v-Smith

[2009] JRC 063 . AG-v-Hume, Carter and Allen

[2005] JRC 051 . Page Last Updated: 29 Jul 2016 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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