

JERSEY / JUDGMENT

AG v Noon [2001] JRC 172 (02 August 2001)

[2001] JRC 172

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JUDGMENT

THE BAILIFF: 1. The Crown Advocate has asked us to adopt a table of starting points in relation to drug trafficking where the drug concerned is ecstasy. A similar request was made by the Attorney General to the Court of Appeal in the case of Rimmer and Ors-v-AG and Southwell, JA, stated, in relation to that request, as follows: "The Attorney General asked that similar guidance be given, in line with the Campbell guidelines, in respect of Class A drugs carried and sold in tablet form, including Ecstasy, LSD and Amphetamines. This Court is not in a position on this appeal to respond to this request. This Court does not have before it evidence of the degree of social and medical harm resulting from abuse of such drugs, evidence of any comparison of relative potency of such drugs as between themselves or as compared with e.g. heroin or cocaine, or evidence which would enable the Court to formulate bands of starting-points on lines similar to those set out above. Further, this Court has not been supplied with some of the relevant legal authorities, including the guideline cases in England and Wales, and the Court does not have detailed submissions from the Appellants' Counsel in this regard (rightly, because the appeals involve only heroin and cocaine). Further assistance from the Court will have to await suitable appeals in cases involving drugs such as Ecstasy." 2. The Court is sympathetic to the submission made by the Crown Advocate that guidelines should be given in tabular form as to the starting point which is appropriate in relation to drugs of this kind. We find ourselves, however, in exactly the same position as the Court of Appeal and for the same reasons as were set out clearly by Southwell, JA, we decline, on this occasion, to endorse the table put before us by the Crown Advocate. We hope that on a future occasion further and more detailed submissions will be advanced in support of any similar request. 3. We turn, therefore, to the sentencing of these two accused. Noon, we take the view, like the Crown Advocate, that you were the prime mover behind this importation. You are the cause of your mother's predicament and involvement in the commission of a serious criminal offence. Whether or not you applied emotional blackmail to her, we do not know, but what is certain is that without you she would not be here. You caused to be imported 2,258 tablets of ecstasy, a considerable amount of a class A drug. We think, having regard to the previous cases which have been placed before us, that the appropriate starting point is, however, one of eleven years' imprisonment. You are entitled to the usual discount for your guilty plea, which as your counsel has rightly said, was of particular value in this case. We apply the same deductions as the Crown Advocate and you are, accordingly, sentenced on the single count before the Court to a term of imprisonment for seven years. 4. Mrs. Noon, the Court is sad

that a woman of your previous good character should, for whatever reason, whether tempted by the prospect of gaining £500, or out of misplaced feelings of loyalty for your son, have agreed to commit a serious offence of this kind. Ordinarily, we think that the conclusions of the Crown Advocate would have been absolutely right. We have taken into account the many references which have been placed before us and the many good things which have been said about you. We have also taken into account our feeling that you were manipulated into the commission of this offence. You acted extremely stupidly, but the Court is going to be merciful and to reduce, slightly, the conclusions of the Crown Advocate. We adopt a starting point of nine years', which we think is right, but making allowance for all the mitigation we have heard, the sentence of the Court is that you will go to prison for a term of five years'. We order the forfeiture and destruction of the drugs. Authorities Rimmer & Ors-v-AG (19 th July 2001) Jersey Unreported CofA; [2001/148]. Thomas: Principles of Sentencing: para C2-2CA. Francis

(1993) 14 Cr. App. R. 562. Harold Nicholas S. [1998] Cr. App. R. 261. Anderson [1999] 1 Cr. App. R. 273. Page Last Updated: 22 Sep 2015 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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