

JERSEY / JUDGMENT

AG v Oeillet [2020] JRC 125 (29 June 2020)

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JUDGMENT

THE DEPUTY BAILIFF: 1. Zak Oeillet you are 46 years old and you fall to be sentenced in respect to two separate offences of importing drugs through the airport, on 17 th December and 27 th December 2019. 2. The first offence involved you importing a small amount of herbal cannabis weighing 1.86 milligrams. The cannabis was concealed beneath your foreskin. When you were stopped you were accompanied by your wife who had been spending time with you in London on a shopping trip. You were interviewed by the police the following day. You admitted the offence, and 2 days later you appeared at the Parish Hall on 20 th December, and in view of your history, your criminal record, you were perhaps fortunate in that the Centenier gave you a chance in relation to that offence and he deferred the case against you for a period of 3 months for you to be of good behaviour. However, you did not take that chance and we regard your offending in those circumstances, 7 days later, as an aggravating feature. 3. On 27 th December, 2019, you were stopped by Customs Officers again, again accompanied by your wife at the airport. This time you had been shopping, you said in Oxford. You denied having any controlled drugs in your possession or in your baggage and said that you had not used controlled drugs during your trip away. That was not true as conceded by your counsel this afternoon, and the swabs of your telephone and lighter tested positive for cocaine and the inside of your luggage tested positive for heroin and cocaine. You were arrested and cautioned and you were told that you would be required to have a bowel movement before you could be released and this you resisted for as long as you possibly could. You ate and drank almost nothing for several days. During your time in custody declined food or drink on twenty-seven separate occasions. You refused the offer of laxatives to assist you in passing a bowel movement. You refused to be x-rayed, although you did provide a urine sample which tested positive for morphine, benzodiazepines, cocaine and cannabis. Your medication might account for the morphine and benzodiazepine but not the cannabis and cocaine. 4. Finally, after you had been in custody for 6 days, you excreted a package containing 14 smaller cling film packages containing heroin with a total weight of between 1.35 and 1.38 grams with a purity of 53%. 5. The Crown has accepted that these drugs were for your personal use and imported for that purpose. Nonetheless you have a poor criminal record including offences for a variety of matters, including some minor drugs offences, but some more serious offences including a 6 year sentence imposed by this Court for armed robbery in 1998. But frankly you are at an age when you should have put offending behind you entirely. 6. We have considered the guidelines, in particular the case of *Rimmer v AG*

[2001] JLR 373 . Those guidelines indicate a starting point of 7 to 9 years imprisonment for the trafficking of a Class A controlled drug weighing between 1 and 20 grams. Accordingly, both Crown and Defence and this Court agree a starting point of 7 years' imprisonment. 7. This sentence will be reduced on account of your guilty plea. You will not receive full credit for your guilty plea as you had little option but to plead guilty in the circumstances and you could not have been much more uncooperative than you were. Nonetheless we give you some credit for that plea and we also give credit for the fact that the heroin was for personal use and not for onward supply. 8. It is nonetheless a serious aggravating factor that you attempted to prevent and delay the detection of these internally concealed drugs. During this period you needed to be taken to hospital for treatment of chest pains and were found to be merely constipated instead. An application had to be made to the Court to extend the custody time limits. Your actions wasted the time and resources of those investigating this case. 9. We note that your wife suffers from a chronic illness and that your absence in custody will affect her adversely. But you should have thought of that before carrying out this offence, particularly having carried out a similar offence only a few days before. 10. We were sad to read that drug dependency has adversely affected your health, your relationships, your employment and your accommodation as well as being the root cause of the majority of your offending, some of which has been serious and harmful to others. But as you do not regard your drug misuse as a problem that you wish to engage with the Probation Officer does not recommend a probation order and notes that you have a high risk of reconviction. 11. We make the destruction order sought in relation to the drugs and we grant the Crown's conclusions. 12. Accordingly on Count 1, you are sentenced to 2 weeks' imprisonment and on Count 2, to 3½ years' imprisonment, concurrent, making a total of 3½ years' imprisonment. Authorities Rimmer -v- AG

[2001] JLR 373 Campbell and Ors-v-AG

[1995] JLR 136 AG v Hussain

[2013] JRC 183 AG v Keddle

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