

JERSEY / JUDGMENT

AG v Oliveira [2005] JRC 047 (15 April 2005)

[2005] JRC 047

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JUDGMENT

THE DEPUTY BAILIFF: 1. The Court accepts that you imported this comparatively small amount of heroin at the request, and under the direction, of an older, more sophisticated, heroin addict. The plan was to share the heroin between you; it was not a case of commercial trafficking. 2. Mrs Pearmain has argued that we should drop the starting point by a year, but we feel that the Crown has accurately reflected what occurred in this case by taking a starting point of five years. In mitigation, you have pleaded guilty and you are a young man, still. You were naïve and used by an older man. We have read your letter of remorse and we note that you have tried several times to conquer your heroin addiction. We have had regard to the contents of the background report and all the mitigation that appears in the papers before us. All in all, we think we can allow slightly more by way of mitigation than was allowed by the Crown and we therefore impose a sentence of eighteen months' imprisonment. 3. We turn next to the question of deportation. We have no doubt that your continued presence in Jersey would be detrimental to Jersey. You have a heroin addiction of some years' standing. You have tried several times to beat it but so far unsuccessfully. You lost a job recently through your addiction and you have had no regular work record whilst you have been in Jersey. The background report says that you are at medium to high risk of re-offending and we agree. That is why we conclude your continued presence would be detrimental. As to the impact of deportation on your private life: you have only been here for about a year; you have no relatives in Jersey; all of your family including your mother and step-siblings are in Madeira, where you were born and brought up. In our opinion, therefore, it would not be disproportionate to deport you. We, therefore recommend deportation at the conclusion of your sentence. We order the forfeiture and destruction of the drugs. Authorities Whelan: Aspects of Sentencing in the Superior Courts of Jersey (2 nd Ed'n, updated to Nov 2003): pp.91-101. Morgan and Schlandt v. AG (24 th April 2001) Jersey Unreported; [2001/88] AG

v. Monteiro (27 th April 2001) Jersey Unreported; [2001/90]. Monteiro

v. AG (7 th August 2001) Jersey Unreported; [2001/177]. R v. Nazari

[1980] 2 All ER 880. Page Last Updated: 14 Jul 2016 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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