

JERSEY / JUDGMENT

AG v Reece [2022] JRC 151 (14 July 2022)

[2022] JRC 151

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JUDGMENT

THE DEPUTY BAILIFF: 1. Darren Reece, you are 53 years old and have a bad criminal record, including offences connected to drugs. Indeed most recently you were sentenced to 3 years and 2 months' imprisonment at Cardiff Crown Court in 2012 for possession with intent to supply cocaine. 2. On the 18 th February 2022, when you were under police surveillance, you were seen entering woodland in St Brelade , where you had secreted a large quantity of cocaine, namely 279 grams or 10 ounces. The purity of the drug was between 42 and 51 per cent with a street value of at least £33,600 if sold in 1-gram quantities. Your fingerprints were found in the packaging. You were arrested at your home on 1 st March 2022. The proceeds of criminal conduct were found in the sum of £12,290 in cash with the cash was in bundles of 50s, 20s and 10 pound notes. 3. During police interview, you answered 'No comment' to the questions asked of you, but you did provide access to your mobile telephones. Analysis of those mobile telephone records showed communications consistent with you being involved in the regular supply of cocaine in Jersey to a number of separate people. 4. You entered a not guilty plea before the Magistrate and as a matter of principle you are not now entitled to full credit for those pleas of guilty. You knew you were guilty, and you should have pleaded guilty at the first opportunity. However, you did plead guilty before this Court when you were indicted and before the decision in AG v Goncalves

[2022] JRC 097 and accordingly you will receive full credit for your pleas. 5. Both counsel and the Court agree the starting point on Count 1 is 11½ years' imprisonment. 6. As to the charge of possession of criminal property Count 2, which is money laundering, we apply the AG v Goodwin

[2016] JRC 165 factors as follows: (i) The predicate offence was drug trafficking - not merely drug trafficking but trafficking in a Class A drug and the cash was consistent with being generated from sales in Jersey of that drug. (ii) Those who deal in cash obtained from drug trafficking provide a vital service to their suppliers. (iii) You knew the source of the cash as it was the proceeds of your criminal conduct, or those closely connected to you. Your fingerprints were found in the cocaine packaging, and you had direct knowledge of the predicate offence. (iv) The sum of money was significant. (v) It is not a mitigating factor that you were laundering the proceeds of your own criminal conduct. (vi) You appear to have a significant role in this matter - organising the sale and selling of drugs in Jersey and collecting cash either to be provided to your supplier or exported to that person,

presumably in the United Kingdom. (vii) We agree with the Crown that the policy of the Courts should be to deter money launderers who have enabled and encouraged drug trafficking. (viii) Further the expert evidence shows that organised crime groups target Jersey and usually supply drugs to local contacts on the footing that they will ensure that the proceeds of crime are exported to the relevant organised crime group. 7. We have considered the case of AG v Davies

- [2022] JRC 107 (para 9) earlier this year particularly paragraphs 5 and 9 of the judgment and having regard to all the circumstances of the case we fix a starting point of 4 years' imprisonment for the offence at Count 2. You could have had no complaint if we had decided to impose a consecutive sentence for the offence at Count 2 but having regard to the principle of totality, we impose a concurrent sentence in relation to that offence. 8. We have had regard to the pre-sentence report. You are at significant risk of reconviction and, indeed, notwithstanding your plea, had difficulty in accepting your guilt in discussions with the probation officer. 9. We have read your letter to the Court and the references provided by people who know you well, particularly your mother, and we accept that both your parents are in poor health and would rely on you if you were at liberty. It is unfortunate that you are unable to assist them in their hour of need, but that is a consequence of your offending. 10. The sentences we impose are as follows: (i) Count 1
- 7 years and 8 months' imprisonment. (ii) Count 2 - 2 years and 8 months' imprisonment, concurrent 11. Order for forfeiture and destruction of the drugs and the Defendant's Black Huawei and white Apple iPhone granted. 12. Confiscation fixed 31 st October 2022 at 10.00am or such earlier date in the event the benefit and confiscation figure is agreed - the Defendant may appear by video-link if he is not giving evidence. Authorities Misuse of Drugs (Jersey) Law, 1978. Proceeds of Crime (Jersey) Law 1999. AG v Goncalves

[2022] JRC 097 . AG v Goodwin

[2016] JRC 165 . AG v Davies

[2022] JRC 107 . AG v Fish and Hinds

[2016] JRC 181A . AG v Bhojwani

[2010] JRC 116 . AG v Ellis

[2022] JRC 113 . AG v Rae and Spinola

[2017] JRC 080 . Rae v AG

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Prepared on 26 October 2026 · Esheria