

JERSEY / JUDGMENT

# AG v Sandland [2011]

## JRC 079 (13 April 2011)

[2011] JRC 079

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### JUDGMENT

THE commissioner: 1. This defendant is to be sentenced on a factual basis agreed between Counsel for an offence of attempted possession with intent to supply of nearly 5 grams of heroin with a street value of £5,000. The defendant had been asked to collect a package from one address and to take it to another, knowing that the package contained illegal drugs. He is not, however, a mere courier, in that forensic evidence shows that he opened the package before it was delivered, which is not the usual conduct of a courier. The Court is entitled to infer that he was more heavily involved in drug trafficking than a person who is just a mule. The offence was committed for financial gain and in the expectation that he would receive some of the drug for personal use. 2. Sandland has a bad criminal record, including a conviction for conspiracy to import a very substantial quantity of cannabis, for which he was sentenced to 5½ years' imprisonment. The Crown Advocate took a starting point of 7½ years' imprisonment; Mr Bell suggested that the starting point was too high. The guideline case of Rimmer and Others-v-AG

[2001] JLR 373 , gives a band for 1-20 grams of powdered drugs of 7-9 years' imprisonment. On balance the Court considers, notwithstanding the opening of the package, that he appropriate starting point is one of 7 years. 3. Sandland has pleaded guilty to the Indictment and expressed remorse for the predicament in which he finds himself. 4. The Court has read your letter and the letter from your father, and obviously it sympathises with the medical problems that your father has, but as you state in your letter these are the kind of difficulties with which many families have to cope. We are glad that during your time in custody, on remand, you have been doing courses, in particular the carpentry course, and we would encourage you to continue doing that so that when you come out of prison you will have a better prospect of employment and you will be better able to break the connections that have led you into drug taking in the past. 5. We are going to apply the same amount of mitigation as moved for by the Crown Advocate and you are accordingly sentenced on Count 1A to 4½ years' imprisonment, on Count 2 to 1 month's imprisonment, both concurrent, a total of 4½ years' imprisonment. 6. We order the forfeiture and destruction of the drugs. Authorities Rimmer and Others-v-AG

[2001] JLR 373 . AG-v- Sandland

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