

JERSEY / JUDGMENT

AG -v- Schneider [2005]

JRC 141 (12 October 2005)

[2005] JRC 141

Source: bailii.org · Research copy typeset by Esheria. Not court-issued or certified.

JUDGMENT

THE BAILIFF: 1. Schneider has pleaded guilty to the importation of nearly 30 kilograms of cannabis resin. This is a very substantial quantity of a Class B drug with a street value in Jersey of approximately £170,000. 2. Schneider admitted to customs officers that he had made an earlier visit to Jersey to reconnoitre the layout of the land. He is aged 55 and he has a previous conviction in Canada for a drug trafficking offence for which he was sentenced to 10 years' imprisonment. 3. He was also apparently arrested in Holland for a drugs matter, although no criminal proceedings were instituted. The Crown Advocate has told us that no assistance was obtained from Interpol in relation to this information. This is a matter of considerable concern to the Court and we hope the Attorney General will make the appropriate strong representations in that regard. 4. There is no doubt that Schneider was fully aware that the importation of cannabis was illegal and that the likely consequences for him, if he were caught, would be serious. Nonetheless, we do not think that a courier, and we accept that he was a courier, should necessarily be placed at the top end of the appropriate band. Having regard to the case of Campbell -v- AG [1995]JLR136 and other relevant authorities we think the appropriate starting point in this case is one of 8 years' imprisonment. 5. In mitigation Schneider has pleaded guilty to the indictment and has co-operated at least to some extent with the investigating authorities. Defence counsel has placed before us a number of references which we have found helpful in relation to his

background.

6. On ordinary principles the Court would have allowed a discount of 3 years for these mitigating circumstances, and we would have imposed a sentence of 6 years' imprisonment. Defence counsel has, however, every eloquently invited us to take an unusual course on the grounds of mercy. The defendant is incontrovertibly suffering from Hepatitis C, has cirrhosis of the liver, and is suffering from a number of unpleasant symptoms relating to these serious complaints and associated medical difficulties. The medical reports placed before us make it clear that the defendant is gravely ill. The prognosis is not good. 7. The circumstances of this case are, we are satisfied, wholly exceptional. We think that, having regard to all the circumstances of the case, we can make a further allowance by way of discount, purely as an act of mercy, so that the defendant will not spend his last years

entirely in custody. We allow a further 4 years' discount. We sentence you on the single count of the indictment to 2 years' imprisonment. 8. We also request the prison authorities both here and in the United Kingdom to give urgent consideration to the transfer of the accused to a prison in England where access to specialist medical treatment, which is not available in Jersey, can if necessary be made available to the accused. As requested by the Crown Advocate we order the forfeiture of the MG motor vehicle pursuant to the Articles 54 - 56 of the Custom and Excise (Jersey) Law, 1999 . We also order the forfeiture and destruction of the drugs. We have considered whether we should make a recommendation for deportation but in the special circumstances of this case we decline to do so. Authorities Campbell -v-AG [1995] JLR136. AG -v- Clark (24 th July, 2001) Jersey Unreported [2001]155. Whelan: Aspects of Sentencing in the Superior Courts of Jersey (2 nd Ed'n): pp. 150 -151. Custom and Excise (Jersey) Law, 1999, Articles 54 - 56 Breen -v- AG th September 2002 [2002]167. R -v- Nazari (1980) 3 All ER 8 80. Page Last Updated: 14 Jul 2016 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://www.bailii.org/je/cases/UR/2005/>

CASE PAGE <https://chat.esheria.ai/case-law/jersey/ag-v-schneider-2005-jrc-141-12-october-2005>

Prepared on 26 October 2026 · Esheria