

JERSEY / JUDGMENT

AG v Snell [2005] JRC 079 (10 June 2005)

[2005] JRC 079

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JUDGMENT

THE COMMISSIONER: 1. Three days after he was arrested Snell pleaded guilty to the importation of a commercial quantity of cannabis resin, together with personal amounts of the addictive drug crack cocaine with heroin and diazepam. 2. It is almost beyond belief that during the 12 days that he was detained at the General Hospital he passed 128 packages that he carried inside his body. The cannabis resin had a street value of £3,331 and weighted 590.63 grams. It is quite clear that Snell is a courier and not a main dealer. 3. We followed Finnigan and the AG [2004]JRC077 for the cases of personal importation but we have also had a very close regard to Valler -v- AG [2002]JLR383, which gives guidance where more than one drug importation is involved. 4. However, Miss Fogarty raised with us an interesting legal point. Valler is clearly dealing with very large amount of different drugs. The Class A drug involved, small amounts of personal drugs, which, of course, includes the pernicious but fortunately in this jurisdiction rare import of crack cocaine. 5. There is also in Snell's favour the candour admission of the offence in India which would not otherwise have come to light. He has five convictions for possession of a Class A drug, but only one of conviction for possession with intent to supply. 6. We would question whether the guilty plea in the light of what was discovered is of any great value although he admitted to possibly receiving more from his unnamed supplier than was actually alleged against him. 7. We have carefully contrasted the two medical reports, as Miss Fogarty asked us to, and we have had close regard to the Probation Report and the Drug and Alcohol Report. 8. Clearly if he wants to help himself he will receive assistance in prison, and the signs of possible rehabilitation are certainly encouraging. We will take a starting point of 18 months for the cannabis importation offence and we can reduce that to 12 months' imprisonment in the circumstances. The personal amounts we will not depart from the Crown's conclusion and, therefore, you are sentenced to 12 months' imprisonment on Count 1; 9 months' imprisonment on Count 2; 9 months on count 3, and 1 month's imprisonment on Count 4. Those three are concurrent with Count 1. We order the forfeiture and destruction of the drugs. Authorities A. G. -v- Graham (10 th January, 2002) Jersey Unreported [2002/6]. Rimmer Lusk & Bade -v- AG [2001]JLR373. Finnigan -v- A. G. [2004]JRC077. Campbell -v- A. G. [1995]JLR136. Valler -v- A. G. [2002]JLR383. Page Last Updated: 18 Aug 2015

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