

JERSEY / JUDGMENT

# AG -v- Tomsett [2016] JRC 166D (21 September 2016)

[2016] JRC 166D

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## JUDGMENT

THE DEPUTY BAILIFF: 1. We are sentencing you for one count of being knowingly concerned in the fraudulent evasion of the prohibition on the importation of a controlled drug. The drug was cannabis resin, the quantity was 28.8 kilograms with a wholesale price of between £115,000 and £172,000 and a retail value of between £432,000 and £576,000. It was therefore on any analysis a substantial quantity. It was secreted in a car that you brought to Jersey on 1 st April this year. 2. The Crown accepts, as do we, that you were acting as a courier for financial reward. But as we have said in a case earlier today, were it not for couriers, drugs would not come into Jersey and the role of the courier is a significant one in the trade in unlawful drugs. 3. We note the mitigation that is available to you. We take into account and give full weight to your guilty plea. You were cooperative and, whilst you do not have an entirely clear record, we take nothing of relevance from it and effectively treat you as of good character. We have read with care the letters that have been provided through your counsel and we accept your remorse as genuine and we understand the reasons which have driven you to the place where you are today. 4. We deal first with confiscation and it is not opposed by you through counsel so we declare that you have benefitted from criminal conduct to the extent of £575.69 and make a Confiscation Order in the sum of £135.71. 5. Turning to sentence we take into account what has been advanced on your behalf by counsel with regard to the question of the starting point. We do not agree that the starting point should come down so much as he has urged upon us but we think that an appropriate starting point for this is a period of 9 years. 6. Taking all of the mitigation into account it is the unanimous view of the Court you should be sentenced to 5 years' imprisonment. 7. We also order the forfeiture and destruction of the drugs. Authorities Campbell and Others-v-AG

[1995] JLR 136 . AG-v-Clark

[2016] JRC 094B . AG-v-Brown

[2008] JRC 208 . AG-v-Logan

[2015] JRC 113 . AG-v-Dos Santos

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[2015] JRC 229 . Page Last Updated: 28 Oct 2016 BAILII: [Copyright Policy](#) | [Disclaimers](#) | [Privacy Policy](#) | [Feedback](#) | [Donate to BAILII](#)

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