

JERSEY / JUDGMENT

AG -v- Wareing [2015] JRC 035 (19 February 2015)

[2015] JRC 035

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JUDGMENT

THE commissioner: 1. The Crown has agreed you are to be sentenced on the version of the facts which you have put forward and so we will proceed on that basis. That version is that you were asked to pick up a package from an individual's address and take it to the individual at the harbour. You were told that it was fishing bait. On route you were offered a lift by a Mr Laffoley. Having collected the package you then went with Mr Laffoley to his home and, whilst there, you opened the package and realised that it contained drugs. But instead of going to the police or having nothing further to do with the matter at all, you hid the drugs in Mr Laffoley's wardrobe intending, apparently, to come back the next day and return them to the address from which you had just collected them. However, the next day Customs executed a search warrant and found the drugs at Mr Laffoley's address in the wardrobe. There were 797 tablets of ecstasy, which is a Class A drug, with a street value of some £16,000. In effect, you were a minder for these drugs for a short period and the Court has said repeatedly that every link in the chain of supply of drugs is important. 2. As the Crown Advocate has pointed out the Bonnar guidelines (Bonnar and Noon-v-AG

[2001] JLR 626) do not necessarily apply to the offence of being concerned in the supply of drugs because of the infinite variety of circumstances which are covered by that offence. The Crown has suggested a starting point of 8 years because Bonnar suggests an 8-10 year starting point for between 500 and 1,000 tablets. The Court agrees that in view of the nature of your involvement in this case it is right to go below the Bonnar guidelines and the Court thinks a starting point of 7½ years is correct. 3. In mitigation Advocate Haines has put forward a number of matters on your behalf. He has referred, first of all, to the guilty plea and we certainly agree that you are entitled to a full one-third discount for that. However the Court does not agree that this is a case where you wrote your own Indictment in view of the other evidence which was or would shortly become available to the police. He has emphasised your excellent work record and we have read the very fine reference from your employers and we fully accept that you are a hard worker with a good work record. You do not have a clean record in terms of previous convictions but, apart from driving a vehicle under the influence, you have been out of trouble since 2008 and we take that into account in your favour and we commend you for it. You also clearly have the

support of your family, as they are here in Court and we have seen that in the report, and we have read your letters and the other letters that we have been supplied with. We have also considered carefully the contents of the background report which speaks well of you and suggests the possibility of probation and community service. 4. However, the Court has repeatedly referred to the damage that Class A drugs does to so many young people and the serious view which it takes of those who become involved in any way in the supply chain of these pernicious drugs. In the circumstances, even allowing for your limited involvement in this case and the mitigation, we cannot agree to a non-custodial sentence. However taking into account the nature of your role and the mitigation, we do think we should reduce the conclusions of the Crown. 5. The sentence of the Court is one of 3½ years' imprisonment. 6. We order the forfeiture and destruction of the drugs. Authorities Bonnar and Noon-v-AG

[2001] JLR 626 . AG-v-Whelan

[2005] JRC 045 . Misuse of Drugs (Jersey) Law 1978. Page Last Updated: 27 Sep 2016 BAILII:
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