

JERSEY / JUDGMENT

The Attorney General v Anthony Christopher Brown

COURT
ROYAL COURT

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[2008]JRC208
ROYAL COURT
(Samedi Division)
1st December 2008

Before : M. C. St. J. Birt, Esq., Deputy Bailiff, and
Jurats Bullen, Clapham, Le Cornu, Morgan and Liddiard.
The Attorney General
-v-
Anthony Christopher Brown
Sentencing by the
Superior Number of the Royal Court,
to which the accused was remanded by the Inferior Number on 10th November,
2008,

following a guilty plea to a
charge of: 1 count of:
Being knowingly concerned in the fraudulent
evasion of the prohibition on the importation of a controlled drug, contrary
to Article 61(2)(b) of the Customs and Excise (Jersey)
Law 1999. (Count1).
Age: 39.
Plea: Guilty.

Details of Offence:	On the evening of Sunday 3rd August, 2008, the accused arrived by car in Jersey having taken the Condor fast ferry sailing from Poole. In the car were the accused, his 19 year old daughter, 18 year old son and 4 year old son. On being spoken to the accused appeared nervous. A subsequent search of the vehicle revealed a hidden void area in the boot containing 124 bars of cannabis resin (total weight 30.4 kilos). The method of concealment was very sophisticated. Expert evidence placed a wholesale value of £124,000 on this quantity of drugs (a potential street value of £167,400). During interview the accused was initially evasive. Eventually however, he made full and frank admissions regarding his role in the importation. He said he had expected to be paid £2,000 in cash on his return to the United Kingdom. He had been told the vehicle contained only 5-10 kilos of cannabis. The Crown categorised the accused as a typical 'mule' or courier. He claimed he had received threats.
Details of Mitigation:	Guilty plea. Remorse.
Previous Convictions:	Record including previous convictions before Magistrates' Courts in England for possession of a controlled drug.
Conclusions:	Starting point 10 years' imprisonment.
Count 1:	6½ years' imprisonment. Confiscation order in the sum of £525 sought. Forfeiture and destruction of the drugs sought.
Sentence and Observations of Court:	The accused had brought into Jersey approximately 30.4 kilos of cannabis resin with a street value of £167,000. The drugs had been concealed in his car. Also in the car were his children. The drugs had been detected by Customs. The Court accepted the accused was acting as a courier and was to be contacted in Jersey regarding delivery of the drugs. The Court further accepted he had played no part in concealing the drugs. The concealment was very sophisticated. The Court wished to congratulate the Customs Officer's involved.

The Crown had taken a starting point of 10 years' imprisonment (this based upon Campbell –supra). The Court took into account the accused's role as a courier. In the Court's view the starting point was correct. In terms of mitigation the Crown had not allowed a full one-third deduction for the guilty plea. The Court would, however do so. This was a case where the plea was of value and had been offered promptly. On the other hand the accused had a poor record. The Court had read the various references and letters and had careful regard to the content of both the social enquiry report and the psychological report. It was pleased to hear that the accused was enrolling on courses whilst in prison. This would assist him following his eventual release. In all the circumstances the Court felt able to reduce the conclusions. Starting point 10 years' imprisonment.

Count 1: 6 years' imprisonment.
Confiscation order in the sum of £525 ordered.
Forfeiture and destruction of the drugs ordered.
A. J. Belhomme, Esq., Crown Advocate.
Advocate M. J. Haines for the Defendant.

JUDGMENT

THE DEPUTY BAILIFF: 1. You brought 30.4 kilos of cannabis resin with a street value of £167,000 into the Island. It was concealed in the car you were driving and in which you also had your children. Fortunately it was detected by Customs Officers at the harbour. We accept that you were acting as a courier and you were to be contacted about delivery when you arrived in Jersey. We also accept that you yourself did not conceal the drugs in the car, that was done by those for whom you were carrying out the trip. The concealment in the car was very sophisticated and we would like to congratulate the Customs Officers for having discovered the drugs in their hiding place. 2. The Crown has suggested a starting point of 10 years based upon the case of Campbell which says that for 30 kilos and more there should be a starting point of 10 years or more. We of course, take into account your role as courier but we think that a 10 year starting point is correct. 3. In mitigation the major aspect is your guilty plea. The Crown did not allow the full one-third discount but we think that we should allow the full one-third. This was a case where the plea is of value both in terms of any potential defences and it was offered promptly at an early stage. You have a very poor record but we have read the letters and references placed before us and we have also very carefully considered the social enquiry report and psychological report and the other

reports. We are pleased to hear of the advantage you are taking of the various courses in prison and we hope very much that you will continue that, so when you are released you will be in a better position in the labour market. 4. We think that, particularly having given greater allowance for the guilty plea, we can reduce the sentence to a limited degree but nevertheless this was a major importation and I am afraid there has to be a lengthy sentence of imprisonment. 5. We impose a sentence of 6 years' imprisonment. 6. We order the forfeiture and destruction of the drugs. Authorities Campbell, Molloy and Mackenzie-v-AG

[1995] JLR 136.

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