

JERSEY / JUDGMENT

The Attorney General v Arlene May Mowat

COURT
ROYAL COURT

BEFORE
Sir Philip Bailhache, Bailiff, and Jurats
Bullen, Le Breton, Allo, Clapham, Morgan and
Newcombe.
The Attorney General
-v-
Arlene May Mowat
Sentencing by the
Superior Number of the Royal Court,
to which the Defendant was remanded by the
Inferior Number on 10th December, 2004,

Source: jerseylaw.je · Research copy typeset by Esheria. Not court-issued or certified.

Source record

[2005]JRC009
ROYAL COURT
(Samedi Division)
20th January 2005

Before:

Sir Philip Bailhache, Bailiff, and Jurats
Bullen, Le Breton, Allo, Clapham, Morgan and Newcombe.
The Attorney General
-v-
Arlene May Mowat
Sentencing by the
Superior Number of the Royal Court,
to which the Defendant was remanded by the Inferior Number on 10th December,
2004,

following guilty pleas:

2 counts 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)
1999.
Count 1: Cocaine.
Count: 2 MDMA.
Age: 25.

Details of Offence:	The defendant imported 66.85 grams cocaine and 578 ecstasy tablets through Jersey Airport from Glasgow. She was stopped by Customs officers and the drugs were discovered in toiletry bottles in her bag. During the search she became distressed. She initially denied knowledge of the drugs, saying her Aunt had packed the bag. She told officers that she was in the Island to visit her boyfriend who worked at B-Bar, a cover story provided to her by the dealer in Glasgow. This led to two innocent men being questioned as possible recipients of the drugs. Her ticket had been booked for her by a man in Glasgow and she travelled under her own name. She was to receive payment of £1,000. The drugs had a combined street value of £11,560 and a wholesale value of between £7,746 and £8,902.
Details of Mitigation:	Defence counsel asked the Court to exercise mercy. Mowat had no previous convictions and pleaded guilty in Magistrate's Court. The guilty plea was of value as she could have denied knowledge of the drugs. Classic courier. The defendant was frail and vulnerable with a dependant personality, allowing others to make important decisions for her. Her brother was recently sentenced to life in prison for murder and as a result per parents had split up. Her partner left her and their one year old child four weeks before the offence, leaving her with debts of £3,000. She had only seen her son twice since October. She recently witnessed the death of her 18 year old cousin. Suffers from an anxiety disorder and major depression, the clinical psychologist was of the opinion that these would be exacerbated by a custodial sentence. Whilst on remand Mowat had completed the Alcohol and Drugs Awareness programme and had taken advantage of the counselling available. Remorse, residual youth, previous good character.
Previous Convictions:	None.
Conclusions:	
Count 1:	5½ years' imprisonment. (Starting point: 9 years' increased to 10 years' imprisonment in line with principle in Valler).
Count 2:	4½ years' imprisonment, concurrent.

Sentence and
Observations of Court:

2 years'
Probation with 240 hours Community Service, to be carried out in Glasgow. The Court observed that the defendant's vulnerability was by no means unusual and that this alone would not allow it to depart from the usual strict sentencing policy. Men who traffic drugs target vulnerable people and it cannot be known that these vulnerable people are let off. However this case was exceptional because of the fact that Mowat's brother was in prison, her parents had separated, her partner had left her and her baby 4 weeks before the offence and she had witnessed the death of her cousin. The effect of these factors on top of her anxiety disorder and major depression on a frail and vulnerable young woman amounted to exceptional circumstances. A non-custodial sentence was imposed as an act of mercy. C.M.M. Yates, Esq., Crown Advocate. Advocate C. Davies for the Defendant.

JUDGMENT

THE BAILIFF: 1. This defendant was arrested at Jersey Airport in possession of 578 tablets of ecstasy and 66 grams of cocaine. The ecstasy had a street value of approximately £5,700 and the cocaine had a similar street value of some £5,700. The defendant had agreed to bring these drugs into Jersey for a fee of £1,000. She allowed the finger of suspicion to be pointed at two entirely innocent individuals who were interviewed by the police as possible intended recipients of the drugs. 2. On ordinary principles a person committing this kind of offence can expect to receive the kind of substantial prison sentence for which the Crown Advocate has moved. Defence counsel has urged the Court to regard this as an exceptional case. Counsel had drawn attention to her guilty plea and her remorse and to the frail and vulnerable nature of the defendant's personality. She is a young woman of 25 but is described by the Director of Alcohol and Drugs as being "almost child-like in demeanour". 3. These characteristics are not sufficient to persuade the Court to depart from its usual policy of punishing those who bring Class A drugs into the Island with severe sentences of imprisonment. The evil men who traffic in drugs of this kind target such vulnerable people and the Court cannot allow it to become known that importations by weak and vulnerable individuals will go unpunished. 4. There are, however, additional and very unusual circumstances in this case. First the defendant's brother was recently imprisoned for a lengthy term for murder. Secondly, as a result of the family stress caused by this event, her parents separated. Thirdly, four weeks before the importation the defendant and her one year old baby were abandoned by her partner of some years standing for another woman, leaving the defendant with debts of some £3,000. Fourthly, she witnessed the death of an 18 year old cousin in a car crash. Fifthly, the consultant psychologist has advised that the defendant suffers from an anxiety disorder and major depression which would be significantly exacerbated by a custodial sentence. 5. These factors combining at they did in the months preceding the offence and being brought to bear upon an inherently frail and vulnerable individual do amount in our judgment to

exceptional circumstances which allow the imposition of a non-custodial sentence as an act of mercy. 6. We are going to impose a probation order of 2 years and we are going to order you to do 240 hours community service, in default of which you will serve 2 years' imprisonment for the offence which you committed. The supervising officer in Scotland will be Meg MacPhail. We want you to understand that the order that the Court is making must be followed; if you fail to comply with the Probation Officer's instructions in Scotland, and if you fail to carry out the community service then a report will be made to the Probation Service over here, a warrant will be issued for your arrest, and you will be brought back here to serve sentence of imprisonment. Authorities Rimmer, Lusk & Bade –v- A.G. [2001 JLR 373]. Bonnar & Noon –v- A.G. [2001 JLR 626]. Valler –v- A.G. [2002 JLR 383].

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.jerseylaw.je/judgments/unreported/Pages/%5B2005%5DJRC009.aspx>

CASE PAGE <https://chat.esheria.ai/case-law/jersey/the-attorney-general-v-arlene-may-mowat-2005>

Prepared on 26 October 2026 · Esheria