

JERSEY / JUDGMENT

The Attorney General v Cedric Joel Conord

COURT

Royal Court

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Superior Number Sentencing - Drugs - Importation - Class A**[2019]JRC083****Royal Court****(Samedi)****8 May 2019**

Before :

T. J. Le Cocq, Esq., Deputy Bailiff, and
Jurats Ramsden, Thomas, Ronge, Christensen and Dulake
The Attorney General

-v-

Cedric Joel Conord

Sentencing by the

Superior Number of the Royal Court, to which the accused was remanded by the
Inferior Number on 15th March, 2019, following guilty pleas to the

following charges:

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) Law 1999 (Count
1 and Count 2).

Age: 33.

Plea: Guilty.

Details of Offence:

The defendant, a French national,
arrived in the Island on a flight from Gatwick. He was stopped by Customs Officers
on his
way through baggage reclaim and the prohibitions and restrictions in force
explained to him; he was asked if he had anything to declare, he stated that he
did not. Swabs of his rucksack and
mobile phone gave positive indications to cocaine and heroin. A search of person
proved negative but on
the Officers' assessment of all the circumstances the defendant was
arrested on suspicion of the importation of a controlled drug or drugs.
Approximately three hours after his
arrival the defendant spoke with a Senior Officer in the Customs Custody Suite
and stated that he had about 50 grams of cocaine and heroin concealed
internally; some while later the defendant passed a condom-wrapped package,
subsequently found to contain 26.04 grams of powder being 68% by weight

cocaine and 17.70 grams of powder being 8% by weight diamorphine (heroin). Communication records showed contact between the defendant's mobile phone and another French number which was in turn in contact with three Jersey mobile phone numbers. The defendant gave a 'no comment' interview. A Drugs Expert estimated the street value of the cocaine as between £3,300 to £4,200 and the heroin as approximately £17,700.

Details of Mitigation:

Guilty pleas. The Probation Report recorded the defendant as a self-employed forestry worker, married with two children and two further children from a previous relationship. He provided an improbable story of importing the drugs from France via the UK to provide to friends, made on a recent previous visit to the Island, on a 'social supply' basis.

Previous Convictions:

The defendant's record showed convictions in France for offences of dishonesty, anti-social behaviour, violence and the illegal possession and transportation of narcotics. He had received previous custodial sentences.

Conclusions:

The Crown invited the Court to dismiss the defendant's claim of social supply as incredulous. The Crown concluded that each quantity of Class A powdered drug would ordinarily attract a starting point of 8 years' imprisonment, however taking account of the total weight of illicit material imported and adopting the Valler principle, moved for a starting point of 9 years' imprisonment on Count 2.

Count 1:

Starting point 8 years' imprisonment. 6 years' imprisonment.

Count 2:

Starting point 9 years' imprisonment. 6 years and 6 months' imprisonment, concurrent.
Total: 6 years and 6 months' imprisonment.
Recommendation for Deportation sought.
Forfeiture and destruction of the drugs sought.

**Sentence and
Observations of Court:**

Conclusions granted.
C. M. M. Yates, Esq., Crown Advocate.
Advocate F. L. Pinel for the Defendant.

JUDGMENT

THE DEPUTY BAILIFF: 1. You are to be sentenced for two offences namely being involved in the importation of cocaine and heroin on 6th December, 2018. You were stopped by customs officers and although you initially denied possession of drugs you were in fact carrying them internally. Analysis of the drugs revealed that you were carrying 26.04 grams of cocaine of high quality with a street value in Jersey of between £3,300 and £4,200, and you were carrying 17.7 grams of heroin worth between £3,500 and £5,300 in terms of street value. 2. It cannot be said that you were fully cooperative with customs. You did not provide the PIN number for your phone, and although you have some benefit for a guilty plea in these circumstances, as has been said it may be viewed as almost inevitable. You do not have a good record and you have a previous conviction for a drugs related offence. 3. It has been put to us that we should accept your version of events as you explained it to the Probation Officer, but for the reasons advanced by the Crown we do not accept that this is a social supply and in all the circumstances we view that explanation as incredible. We have been told that this should not affect sentence and we proceed therefore on the basis that we did not need to hear evidence and in our view the explanation offered was as we have said, incredible. 4. The Attorney General applies the customary approach set out in the case of *Rimmer & Ors v AG* [2001] JLR 373 and the larger quantity of the drugs imported fits in to the 8 to 10 year range as a starting point. Furthermore, you brought in two types of Class A drugs and in those circumstances it is appropriate to apply an uplift in accordance with the case of *Valler-v-AG* [2002] JLR 383. 5. In sum, we think the Crown's approach is correct and we accordingly assess the starting point including a Valler uplift as 9 years' imprisonment on Count 2 the heroin, and 8 years' imprisonment on Count 1 for the cocaine. We take into account all of the mitigation available including what we view to be an appropriate discount to allow for your guilty plea in these circumstances, but we think that the conclusions of the Crown are correct and you are accordingly sentenced with regard to Count 1 the cocaine to 6 years' imprisonment; with regard to Count 2 the heroin 6½ years' imprisonment, the sentences to run concurrently making a total of 6½ years' imprisonment. 6. We order the forfeiture and destruction of the drugs. 7. We have considered the question of deportation which you do not oppose. We are satisfied that both limbs of the test in *Camacho v AG* [2007] JLR 462 are passed and we recommend your deportation at the end of your sentence. Authorities *Rimmer & Ors v AG* [2001] JLR 373. *Valler-v-AG* [2002] JLR 383. *Camacho v AG* [2007] JLR 462.

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