

JERSEY / JUDGMENT

The Attorney General v John James Laycock

COURT
ROYAL COURTBEFORE
F.C. Hamon, Esq., O.B.E., Commissioner and
Jurats De Veulle and King.
The Attorney General
-v-
John James Laycock
Sentencing by the
Inferior Number of the Royal Court

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[2005]JRC120
ROYAL COURT
(Samedi Division)
2nd September, 2005

Before: F.C. Hamon, Esq., O.B.E., Commissioner and
Jurats De Veulle and King.
The Attorney General
-v-
John James Laycock
Sentencing by the
Inferior Number of the Royal Court

on guilty pleas to: 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 Custom and Excise (Jersey)
law 1999. (Count 1 –
heroin. Count 2 – cannabis)
Age: 41.
Plea: Guilty.

Details of Offence:	The Defendant arrived in Jersey on the Condor fast ferry in possession of approximately 1 gram of herbal cannabis and 5.31 grams of heroin secreted internally. Whilst in detention by customs officers the Defendant tried to swallow the package containing the heroin. Street value of cannabis £5. Street value of heroin between £1,593 and £2,390; wholesale value between £796 and £1,062. The Defendant maintained that he had brought 7 grams of heroin in Liverpool for £250. He maintained that he smoked up to 2 grams of heroin a day.
Details of Mitigation:	The Defendant has been a heroin addict since 1992. In a stable relationship. Has 4 children aged from 10 years to 22 years. His partner has mental difficulties. The Defendant, since in La Moye, has changed his attitude to drugs and intends to overcome his problem. 4 years was the appropriate starting point. Community Service should be seriously considered by the Court as an alternative way of dealing with the Defendant.
Previous Convictions:	29 convictions for 57 offences including 5 previous drug offences.
Conclusions:	
Count 1:	3 years' imprisonment. 5 years starting point
Count 2:	1 week's imprisonment, concurrent.
Sentence and Observations of Court:	
Count 1:	2 years' imprisonment. 5 years starting point.
Count 2:	1 week's imprisonment concurrent Order that the drugs be forfeited and destroyed. D.E. Le Cornu, Crown Advocate. Advocate S.A. Pearmain for the Defendant.

JUDGMENT

THE COMMISSIONER: 1. It is difficult to understand that Laycock came to Jersey for the day from Liverpool, as he told Customs officers, to buy clothes and visit German bunkers. Much more plausible was the admission to Mr Gafoor, the Director of the Alcohol and Drug Service, that he came to buy duty free alcohol and cigarettes that he planned to sell for a profit in Jersey and then to repeat the exercise going back to Weymouth. 2. The report from Mr Gafoor is very encouraging and it is accepted that the drugs found in his possession were for personal use. Apart from the small amount of cannabis there was 5.31 grams of heroin containing 48% by weight of diamorphine. This is a large amount even for someone who has a habit of one to two grams a day;

and Laycock has a very bad record which includes five previous drug offences. 3. When the Superior Number sat on Finnigan v AG (4th May 2004) Jersey Unreported; [2004]JRC077, last year, there was pointed out the conflicting judgment of the Court of Appeal in Gregory v AG [1997]JLR1, and Conquer v AG (4th April 2002) Jersey Unreported; [2002/73], but in that case the Bailiff said at page six: "We therefore state that if the Defendant imports a relatively small quantity of a Class A drug for personal use, that importation should not be taken as being of equal gravity for sentencing purposes in setting the starting point as the importation of the same quantity for commercial purposes." We note that the Superior Number will be sitting on the 12th of September to deal with a similar case in order to resolve the proper starting point. We feel in the circumstances, that a starting point of five years is appropriate. 4. There must always be an allowance for a guilty plea, although in this case it is of course a relatively small value, as we have seen from the way that the heroin was attempted to be concealed. But, all in all, this is a very difficult case. 5. This man is 41 years old. He lost an infant on New Year's Eve 2000. He has four children and a partner. How he survives with four children with an incapacity and child allowance benefit of £170 per week is difficult to understand. His partner of many years apparently has medical problems and is obviously very fond of him. She has travelled to Jersey at no small expense to the family. We have letters which we have read very carefully from Laycock and Miss Newham (sic), his partner. 6. He has completed five months on remand. The reports that we have read are particularly encouraging. The Crown, with a starting point of five years, has asked for three years' imprisonment. 7. We will regard this case as totally exceptional. Here is a man whom the experts are prepared to help and who has shown a real willingness to rid himself of his habit. The Probation Service recommends a Community Service Order in Liverpool. We can see the benefits and also the pitfalls of such a course of action. We are going to sentence imprisonment simply because of the background in this very troublesome case and it is in anticipation that you will resolve your drug habit despite the problems that the family will face. The benefits, if you do resolve your problems of course, are enormous for you, your family and society in general. In those particular circumstances we are going to sentence you to two years imprisonment, one week concurrent on count two and we order the forfeiture and destruction of the drugs. Authorities Finnigan v AG 4th May 2004 Jersey Unreported; [2004]JRC077. Conquer v AG (4th April 2002) Jersey Unreported; [2002/73].

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