

JERSEY / JUDGMENT

# The Attorney General v John Stanley Michael Hunt

COURT  
ROYAL COURT

BEFORE  
F.C. Hamon, Esq., O.B.E., Commissioner and  
Jurats Rumfitt, Quérée, Le Brocq, Tibbo, Le Breton  
and Clapham.  
The Attorney General  
-v-  
John Stanley Michael Hunt.  
Sentencing by the  
Superior Number of the Royal Court,  
to which the accused was remanded by the Inferior  
Number on 24th January, 2003,

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## Source record

[2003]JRC062  
ROYAL COURT  
(Samedi Division)  
3rd April 2003

Before: F.C. Hamon, Esq., O.B.E., Commissioner and  
Jurats Rumfitt, Quérée, Le Brocq, Tibbo, Le Breton and Clapham.  
The Attorney General  
-v-  
John Stanley Michael Hunt.  
Sentencing by the  
Superior Number of the Royal Court,  
to which the accused was remanded by the Inferior Number on 24th January, 2003,

following a guilty plea 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: cannabis.  
Count 2: cocaine.  
Age: 35.

|                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Details of Offence:                 | <p>Hunt travelled to Jersey from Portsmouth on the car ferry with his 10 year old son. He said that he had brought his son to Jersey for a short holiday. The BMW car he was driving belonged to his estranged wife. During a search of his luggage Hunt said that there was “puff” (cannabis) in the car. A large number of packages containing cannabis resin were then recovered from inside the car. The total weight of the cannabis resin was not less than 21,282.11 grams (over 21 kilos). The packages were coated in oil. Two packages containing cocaine were also discovered. The total weight of the cocaine was 82.61 grams. A can of “WD40” and a set of digital weighing scales (with traces of cocaine on them) were also found in the car. Hunt said to the Customs Officer that he had “lost the car for a couple of hours” and it had been packed then. In interview Hunt said that he was “just the driver” and that the cocaine was not supposed to be in the car.</p> |
| Details of Mitigation:              | <p>History of depression exacerbated by separation from his wife. Under pressure from his dealer (to whom he owed a drug debt) to carry out importation. Several character references provided to the Court. Guilty pleas. Previous good character. Involvement in the importation limited to that of courier or ‘mule’ of the drugs.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Previous Convictions:               | <p>One previous conviction from Redbridge Juvenile Court for an assault against a Police Officer in 1983 (when he was 16 years old). Treated as a man of good character.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Conclusions:                        | <p>Total Starting Point: 12 years.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Count 1:                            | <p>7 years’ imprisonment.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Count 2:                            | <p>8 years’ imprisonment, concurrent.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Sentence and Observations of Court: |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Total Starting Point:               | <p>11 years.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Count 1:                            | <p>6 years’ imprisonment.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

Count 2: 7 years' imprisonment, concurrent.  
Forfeiture and  
destruction of drugs: £505 confiscation order.  
The Court decided to  
reduce slightly the total starting point of 12 years' imprisonment  
identified by the Crown, given that Hunt's involvement was merely that of  
a 'mule'. He had been  
under pressure from his dealer to carry out the importation and was suffering  
from depression. The Court accepted  
that Hunt had not used his son as cover for the importation. The Court did not,  
however, accept that  
Hunt's erroneous belief that the drugs were cannabis and cannabis only  
was a mitigating factor.  
From a total starting  
point of 11 years' imprisonment the Court passed a total sentence of 7  
years in order to reflect the mitigation available to Hunt.  
M. St. J.  
O'Connell, Esq., Crown Advocate.  
Advocate P.D. James for the accused.

## JUDGMENT

THE commissioner: 1. When Hunt arrived in Jersey on the 9th November on the car ferry he was accompanied by his 10 year old son. He denied there being any prohibited items in the car. He eventually admitted to some "puff" or cannabis resin. None was found in his luggage. Eventually various packages were found well hidden within the vehicle. 2. The search revealed there were 20 kilograms of cannabis resin with a street value of £126,720.00 and a wholesale value of £88,000.00. We agree with DC Hafey's expert opinion that this is a large commercial quantity of the drug. Cocaine was also found in what DC Hafey described as a commercial quantity of 82.61 grams with a purity of 36-40%. A set of digital weighing scales was removed from the rear passenger seat. This had traces of cocaine on it. The street value of the cocaine was £6,608 with a wholesale value of approximately £5,286. 3. Hunt admits that he willingly carried the cannabis into Jersey, but says that he had no idea that the cocaine was there at all. He had a drug debt and he was paid £500 for travelling to Jersey. The individual bars of cannabis had been heat sealed and the packages had been sprayed with WD-40 to deter the Custom's sniffer dog. 4. Let us start at once by saying that the belief that he was importing cannabis and not cocaine is not material. As was said in the case of *Campbell & Ors -v- A.G.* [1995] JLR 136: "In our judgment, a courier who knowingly transports illegal drugs must be taken to accept the consequences of his actions. As the Attorney General put it, the moral blameworthiness is the same, whatever the nature of the drugs transported. Furthermore, viewed from the perspective of the community, the evil consequences flowing from the dissemination of Class A drugs are not mitigated in the slightest by the erroneous belief of the courier that he was transporting a Class B drug." 5. The Crown has taken 7 years as a starting point for the cannabis, following *Campbell*, which gives the guidance of 6 – 10 years for 10 – 30 grams of cannabis, and the Crown takes 10 years for the cocaine, following the case of *Rimmer & Ors -v- A.G.* [1995] JLR 136, which gives 9 – 11 years for 50 – 100

grams of cocaine. Mr James, in his compelling argument, does not dissent with either starting point in Rimmer & Ors. and Campbell & Ors., but he does disagree with the Crown's conclusions in Valler –v- A.G.

[2002] JLR 383, where two classes of drug are combined. 6. We have given considerable thought to the matter, but we feel that, in the particular circumstances of this case, we will take a starting point not of 12 but of 11 years. We have to say there is much mitigation in the case. Hunt has pleaded guilty; this is his first offence; he was clearly a mule - and that is accepted by the prosecution; and he was under pressure from his dealer who apparently had threatened to tell his estranged wife, with whom he hoped to be reunited, that he was taking cocaine. 7. His personal situation provides a reason why he brought his son with him and we are prepared to accept that the child was not there as a cover for this most serious crime. Mr James has given us several letters which we have read most carefully, and a useful psychiatric report from Dr Cox. In his report, Dr Cox says: "The smooth running of his life is not only however hampered by a mood disorder but also by the constellation of personality traits described above which may have had some relevance in leading him to agree to commit the index offences; these are his marked tendency toward self-doubt combined with his ready acquiescence towards those he sees in positions of authority or power (in this case the drug dealer) combined with an ingenuousness which is unusual for a man of 35 years of age. In other words, he is easily led by a person in a position of authority who has gained his confidence and will then be typically avoidant of any consideration of negative consequences. His obsessional tendency to excessive conscientiousness would under normal circumstance make it very unlikely that John Hunt would offend." 8. We find the particular circumstance of this case very unusual, and in those circumstances we are going to reduce the conclusions of the Crown slightly. Therefore, we are going to sentence you to a total of 7 years' imprisonment which is for the record, 6 years' on count 1; and 7 years' on count 2; and those counts are concurrent, and we order the destruction and forfeiture of the drugs. Authorities Campbell & Ors –v- A.G.

[1995] JLR 136. Rimmer & Ors –v- A.G.

[2001] JLR 373. Valler –v- A.G. [2002] JLR 383.

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