

JERSEY / JUDGMENT

The Attorney General v Michael Joseph McInerney

COURT
ROYAL COURT

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[2009]JRC069
ROYAL COURT
(Samedi Division)
15th April 2009

Before :

Sir Philip Bailhache, Kt., Bailiff, and
Jurats Tibbo, Le Breton, Clapham, Le Cornu, Newcombe and Liddiard.
The Attorney General
-v-
Michael Joseph McInerney
Sentencing by the
Superior Number of the Royal Court,
to which the accused was remanded by the Inferior Number on 20th February, 2009,

following a guilty plea to
the following charge:

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. (Count 1).
Age: 21.
Plea: Guilty.

Details of Offence:

On 17th December, 2008, McInerney was
stopped as he came through customs off the ferry from Portsmouth. He told Customs
Officers that he was
visiting his girlfriend who he had met on the internet, but could not provide a
name or address for her.
He was arrested and detained and
later admitted that he was carrying heroin internally. He eventually passed 3 plastic
wrapped
packages containing 34.49 grams of heroin containing between 14% and 16% by
weight of diarmorphine. These drugs
had a street value of £34,490 and a wholesale value of between
£10,470 and £17,245.
In subsequent interview McInerney
admitted importing the heroin in order to clear a drug debt in Liverpool, and said

that his family had been threatened. The Crown accepted that he was a mere courier, but contended that the threats did not amount to mitigation.

Details of Mitigation:

Guilty pleas, co-operation, youth, and difficult upbringing.

Previous Convictions:

2 previous convictions comprising 4 offences, including 2 for simple possession of cannabis, and 1 for possession of crack cocaine with intent to supply.

Conclusions:**Count 1:**

Starting point 8 years. 5 years' imprisonment. Forfeiture and destruction of drugs sought.

Sentence and Observations of Court:

The Court agreed with the Crown's starting point but felt it could make a further small reduction, ordering a sentence of 4½ years' imprisonment.

Count 1:

4½ years' imprisonment. Forfeiture and destruction of drugs ordered. C. M. M. Yates, Esq., Crown Advocate. Advocate C. L. Nicolle for the Defendant.

JUDGMENT

THE BAILIFF: 1. McInerney imported into Jersey 34 grams of heroin concealed internally. Having initially given a false story to the investigating officers, he subsequently admitted the truth and has pleaded guilty to the Indictment. He has given a story of having been threatened in Liverpool but, as this Court has said on many occasions, threats are all part of the vicious and nasty business of trafficking in drugs and the Court will not consider such matters to be important mitigating factors. 2. We agree with the Crown Advocate that the starting point in this case is one of 8 years' imprisonment. We have given very careful consideration to all the matters urged by Defence Counsel in mitigation and we feel able to reduce very slightly the conclusions of the Crown Advocate. 3. The Court is impressed with what you have been doing in prison in terms of courses in order to try to improve your skills so that when you come out of prison you will be able to make something of your life and hopefully break away from the associates and the drugs involvement that you have had over far too many years. 4. We have to punish you for the offence of bringing this vicious drug into Jersey and the sentence of the Court is that you will go to prison for 4½ years. 5. We order the forfeiture and destruction of the drugs. Authorities Whelan on Aspects of Sentencing in the Superior Court of Jersey. Rimmer and Others-v-AG [2002] JLR 373.

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