

JERSEY / JUDGMENT

The Attorney General v Natalia Ozga

COURT
ROYAL COURT

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[2009]JRC071
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- Natalia Ozga Sentencing by the Superior Number of the Royal Court, to which the accused was remanded by the Inferior Number on 6th March, 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: 22. Plea: Guilty.
Details of Offence:	Ozga was arrested at the airport with 136.1g of heroin concealed internally. She said at interview that she was given the drugs in Liverpool by a former client to deliver to Jersey for £3,000. She did it to pay off debts and send money to her family. She suggested to Probation that she did it under duress to settle drug debts with her dealer. The Crown moved conclusions on the basis that it did not matter which version was correct because duress did not provide her with additional mitigation. She was a courier.
Details of Mitigation:	She pleaded guilty at the earliest opportunity. She is 22. Remorse. Addiction but drug free in prison. Making most of training opportunities in prison. Low risk of re-offending.

Previous Convictions: None.

Conclusions:

Count 1: Starting point 10 years. 5 years' 6 months' imprisonment.
Forfeiture and destruction of drugs sought.
Confiscation order in the nominal sum of £1 sought.
Recommendation for deportation sought.

Sentence and Observations of Court:

Count 1: Starting point 10 years. 5 years' 6 months' imprisonment.
Forfeiture and destruction of drugs ordered.
Confiscation order in the nominal sum of £1 made.
Recommendation for deportation made.
R. C. L. Morley-Kirk, Crown Advocate.
Advocate A. D. Field for the Defendant.

JUDGMENT

THE BAILIFF: 1. This defendant has pleaded guilty to being concerned in the importation of 136 grams of heroin with a street value of £130,000. The drugs were imported concealed internally and the defendant was to have passed the heroin on to an unnamed person in Jersey. She gave two stories as to motive. The first was that she was to earn £3,000 of which £2,000 was to be sent to her mother in Poland and the second story was that she had been threatened and had no choice as to whether to bring the drugs to Jersey. 2. We agree with the Crown Advocate that it does not matter for sentencing purposes which of the stories is the truth. Threats and violence are all part of the nasty business of drug trafficking. The Crown Advocate took a starting point on the established authorities of 10 years' imprisonment. That was not contested by the defence and we agree that 10 years is the appropriate starting point. 3. In mitigation the defendant is a first offender and she has pleaded guilty to the Indictment. She is a young woman of 22 and the background described in the Social Enquiry Report is a sad one. 4. Miss Ozga you knew that you were importing a Class A drug into Jersey. It was a very substantial quantity of heroin which had the capacity to cause a great deal of harm to people in this Island. We have taken into account very carefully all the things which your Advocate has said on your behalf. We think that these matters have been fully taken into account by the Crown Advocate in her conclusions. 5. The conclusions are granted and you are sentenced on the Count on the Indictment to 5½ years' imprisonment. 6. We order the forfeiture and destruction of the drugs. 7. We also will recommend to the Lieutenant-Governor that at the conclusion of your sentence you should be deported from the Island. We are satisfied on both grounds in the Nazari test and we note that

you do not oppose the making of a deportation order. Authorities R-v-Nazari [1980] 2 Cr. App. R. (S) 84. Rimmer, Lusk and Bade-v-AG [2001] JLR 373.

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