

JERSEY / JUDGMENT

The Attorney General v Shane Lee Ray

COURT

Royal Court

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Superior Number Sentencing – drugs – importation-v-Class B.**[2017]JRC077****Royal Court****(Samedi)****24 May 2017**

Before :

J. A. Clyde-Smith, Esq., Commissioner, and
Jurats Crill, Blampied, Pitman, Christensen and Milner.
The Attorney General

-v-

Shane Lee Ray

Sentencing by the

Superior Number of the Royal Court, to which the accused was remanded by the
Inferior Number on 24th March 2017, 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: 29.

Plea: Guilty.

Details of Offence:

The defendant was stopped upon
arriving in the Island by Customs officers at Jersey Harbour. A search of his vehicle
revealed several
packages concealed in the space between the headlining and the roof of the vehicle.
On further inspection officers found the
roof to have been modified to include a purpose built tray of fibreglass
reinforced with metal spars. The
tray was suspended from hinges at the front of the cabin and bolts at the
centre and rear with a central bolt engaged a steel cross member that had been
fabricated and welded into the car.
Inside the car officers found the exact sized sockets required to reveal
the roof. In addition a spanner and a pair of gloves were found.
In total 60 wrapped packages were
concealed in the roof. The packages
contained 593 bars of cannabis with a total weight of 57.7 kg of cannabis

resin. The potential street value of the drugs in Jersey would have been between £867,000 and £1,155,000.

Details of Mitigation: Guilty plea, no previous convictions for drugs, good references and support of family and friends.

Previous Convictions: No drug related previous convictions but previous convictions for violent offences.

Conclusions:

Count 1: Starting point 11 years' imprisonment. 7 years' imprisonment. Forfeiture and destruction of the drugs sought.

Sentence and Observations of Court:

Count 1: Starting point 10 years and 6 months' imprisonment. 6 years and 3 months' imprisonment. Forfeiture and destruction of the drugs ordered. D. J. Hopwood, Esq., Crown Advocate. Advocate M. L. Preston for the Defendant.

JUDGMENT

THE commissioner: 1. The defendant stands to be sentenced for one count of being knowingly concerned in the importation of cannabis resin. 2. The facts are that at approximately 8:20 pm on Friday 13th January, 2017, the defendant arrived at Elizabeth terminal from Portsmouth on the Condor Clipper in his Mini Cooper hatchback motor car. He was stopped by a customs officer and when asked he provided his driver's licence and a Jersey social security registration card. He told the officer that he was working in Jersey on and off. He then admitted that he had not worked here since the previous September but instead intended to visit friends who would help him find work. The current prohibitions and restrictions were explained to him and he said he had nothing to declare. The officers began examining his car and noticed an interior trim panel adjacent to the seat belt was loose. An officer also noticed marks indicating movement of the trim against the felt roof headlining of the car. When asked whether work on the car had been undertaken the defendant said "It's an old car and the seat belt was a bit dodgy". 3. The officers opened the car's rear hatch and noticed that the trim at the rear of the headlining had been disturbed. They deployed an inspection scope which revealed packages concealed in the space between the headlining and the roof. On lowering the headlining the officers discovered that the car had been modified to carry concealed packages on a purpose built tray. They removed a total of sixty wrapped packages from the suspended tray. These were analysed and found to contain 593 bars containing a total quantity of 57.7 kilograms of cannabis resin. An expert witness has opined that the purchase price of this resin would have been approximately £71,000 but its street

value in Jersey was between £867,000 and £1,155,000. 4. The leading authority for trafficking in cannabis is Campbell-v-AG [1995] JLR 136 where the Court of Appeal held that the appropriate starting point in cases of more than 30 kilograms of cannabis is a minimum of 10 years' imprisonment. Set against that we have to bear in mind that the statutory maximum for trafficking in a Class B drug is 14 years' imprisonment. 5. The Crown have invited that we should take a starting point of 11 years' imprisonment which is not incorrect in principle but having considered the submissions made by Advocate Preston we are prepared in our discretion to accept that 10 years and 6 months' is the appropriate starting point. 6. Turning to mitigation there is much available to the defendant. He has pleaded guilty; he has no previous convictions for drug-related offences; he has very good references which have been passed up to us; he has had a troubled personal life and we accept that when he made this decision he was at a very low ebb, and he has written us a very good and remorseful letter. Furthermore he is doing excellent work in the prison and we commend him for referring himself to the prison psychologist. Perhaps most importantly he has the support of his family. It says much that his mother and his half-sister have come over to support you and that is to your credit and that has enabled us to give slightly more in mitigation than allowed for by the prosecution. 7. You are sentenced to 6 years and 3 months' imprisonment. 8. We order the forfeiture and destruction of the drugs. Authorities Campbell-v-AG

[1995] JLR 136. AG-v-Marshall

[2016] JRC 117. AG-v-Clark

[2016] JRC 094B. AG-v-Halais and Gautier [2015] JRC 262A. AG-v-Logan

[2015] JRC 113.

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