

JERSEY / JUDGMENT

The Attorney General v Steven David Herring

COURT

Royal Court

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Superior Number Sentencing - drugs - importation - Class A**[2020]JRC200****Royal Court****(Samedi)****30 September 2020**

Before :	R. J. MacRae, Esq., Deputy Bailiff, and Jurats Blampied, Ronge and Pitman. The Attorney General -v- Steven David Herring Sentencing by the Superior Number of the Royal Court, to which the accused was remanded by the Inferior Number on 17th July, 2020, 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: 30. Plea: Guilty.
Details of Offence:	On 30th October, 2019, the defendant internally imported 82.425 grams of heroin of 74% purity. The potential street value ranged between £41,000 and £82,000. The defendant's involvement in the importation was as a courier with no interest in the profit to be obtained.
Details of Mitigation:	Guilty plea. Psychological report identified a number of conditions the defendant was suffering from that made him vulnerable and highly suggestable.
Previous Convictions:	Previous convictions for possession of cocaine and amphetamine.

Conclusions:

Count 1: Starting point 10 years' imprisonment. 5 years' imprisonment.
Forfeiture and destruction of the drugs sought.

Sentence and Observations of Court:

Count 1: 4 years' imprisonment
Forfeiture and destruction of the drugs ordered.
C. R. Baglin, Esq.,
Crown Advocate.
Advocate A. E. Binnie for the Defendant.

JUDGMENT

THE DEPUTY BAILIFF: 1. Steven Herring you are 30 years old, and at the end of October last year you arrived in Jersey having internally concealed within you 82.4 grams of heroin with an extremely high 74% purity. When you were stopped by Custom Officers, you were initially unhelpful, you lied about why you were on the island and denied possessing any illegal material. 2. You also said that a scan of your body would not reveal anything. But after your arrest and after spending four hours in custody you said you had three packages inside you and these contained heroin to which we referred. 3. When interviewed by the Customs Officers you made no comment to most of the questions you were asked. The wholesale value of the heroin you imported into Jersey was £12,000, with a retail street value of between £41,000 and £82,000. As you know, heroin is a Class A drug and the importation of this drug could have caused great damage to the community. We agree with the Crown that the starting point of this offence, having regard to the weight and purity and your role as courier, is 10 years' imprisonment. 4. You pleaded guilty at the first opportunity and we give you full credit for that plea. We have read the reports on you and it is clear how you have had a difficult background. We note your conviction in 2010 for possession of cocaine but do not add to your sentence for reason of that. The factors that we have identified of most significance in your case focus on your diagnosis of Klinefelter's Syndrome. Although you were diagnosed in 2015 it is only now owing to this case and the reports prepared for this court that you and your family appreciate the psychological effects of that syndrome upon you. 5. Klinefelter's Syndrome is associated with various physical and mental traits many of which you exhibit including a predisposition to a lower IQ, 85 in your case, and also a presentation with significant autistic traits that are consistent with Autistic Spectrum Disorder and also Attention Deficit Hyperactivity Disorder. 6. The combination of the circumstances in the view of Dr Lyle, a Consulting and Chartered Clinical Psychologist whose report is before us, makes you exceptionally suggestable by comparison with most people in the population. Assessment of your suggestibility shows you to be in the top 4½% of the population, which means you are exceptionally suggestable by comparison with most people. 7. As to your compliance, you are in the top 2% of the population which makes you extremely liable to give

way to pressure from other people in everyday life and subordinate your opinions and wishes to those of others. So you were a vulnerable man who was completely out of your depth and you were, we accept, targeted because of your vulnerabilities in order to carry out this mission to bring Class A drugs to Jersey. 8. We also read about aspects about your Autism including your obsessive interest and your attempt to back out of this offence. We have read the letters of members of your family, which were exceptionally moving, particular those from your brother and sister. They put your offending in context for us today. 9. You have had real challenges throughout your life, unable to fit in, socially inept, isolated and described as having a child's mind in a man's body. These challenges were simply not understood nor could they be treated until your recent diagnosis. You are now in need of support, which we hope that you will receive in custody.

10. We do not discount your sentence by reference to the threats that you say you have received. The Royal Court has said on previous occasions to receive threats to your wellbeing and threats to those close to you is an occupational hazard of those who involve themselves in drug trafficking and will not lead to a reduced sentence.
11. Nonetheless, we give full weight to all the mitigation available to the Court today and the sentence that we impose upon you is one of 4 years' imprisonment.
12. We order the destruction and forfeiture of the drugs.
13. We authorise the release of the report of Dr Lyle to the prison authorities. *Authorities Rimmer and others –v- AG [2001] JLR 373*

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