

ROYAL COURT

5th April, 1991

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Before: The Bailiff, and
Jurats Vint and Hamon

The Attorney General

- v -

NM

and

Russell Howell Drewett

OFFENCE:

Importation of cannabis (2 counts)
Possession with intent to supply (2 counts).

FLEA: Guilty.

DETAILS OF OFFENCE:

In November and again in December, 1990, the defendants came to Jersey with cannabis in the spare wheel of a car, and delivered it to a dealer here. Total amount 1787.32 grams, total value £9936.66. Each made £300 on the first trip, would have made approximately the same on the second trip. Commercial venture deliberately undertaken for gain, initially unco-operative.

DETAILS OF MITIGATION:

Both unemployed and in financial difficulties. Eventually admitted the offence. Disclosed the November offence which otherwise would have gone undetected.

PREVIOUS CONVICTIONS:

NM: One for theft (absolute discharge), two for obstructing the police, two for criminal damage. No drugs.

Drewett: Several, mainly for dishonesty, though some motoring. No drugs.

CONCLUSIONS:

NM : Borstal on all counts concurrent.
Drewett: 18 months on all counts concurrent.

SENTENCE AND OBSERVATIONS OF THE COURT:

Conclusions granted. Drug importation for profit must attract custodial sentence. NM would have got 18 months if not for Article 18 of the Children's Law. Drugs forfeited.

Miss S.C. Nicolle, Crown Advocate.

Advocate C.J. Scholefield for the accused.

JUDGMENT

BAILIFF: It has been said on many occasions in this Court that the importation for gain into this Island of drugs deserves and will normally get a prison sentence. We have had cited to us in the past and it is a case to which we pay great regard, the English case of Aramah (1982) 4 Cr. App. R. (S) 407. Where there is importation for commercial gain of anything up to 20 kilograms (and this was a matter of one and a half kilograms), there would normally follow a sentence of 18 months, unless there were exceptional circumstances.

We have looked very carefully to see whether there are exceptional circumstances in this case, so far as the second accused is concerned. We started by asking ourselves whether, if

it were not for the restrictions of Article 18 of the Children's Law, we would have felt it appropriate to treat both accused alike and sentence both of them to 18 months' imprisonment or less, depending on the circumstances. We came to the unanimous conclusion that if it were not for the restrictions imposed on us in respect of you, NM , you would have been sentenced to 18 months, as we intend to sentence you, Drewett.

We cannot see that coming to this Island deliberately on two occasions, even though you told the police about the first occasion and disclosed the name of the dealer here (and we have given full credit for that) that the circumstances are so exceptional that we should make an exception and give an individualised sentence in any way.

Miss Nicolle for the Crown has said that individualised sentences should be waived on occasions in the interests of the community as a whole, and we think that the deliberate importation of drugs for commercial purposes and private gain is one such occasion.

Therefore, NM , you are sentenced to Borstal training on each of the counts, concurrent.

Drewett, you are sentenced to 18 months on each of the counts, concurrent. There will be an order for forfeiture of the drugs.

Authorities cited.

R. -v- Aramah (1982) 4 Cr. App. R. (S) 407.