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ROYAL COURT  
(Samedi Divison)

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30th May, 1991

Before: The Deputy Bailiff and  
Jurats Coutanche and Hamon

\_\_\_\_\_

The Attorney General

-v-

GN  
KC

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GN AND KC : Conspiracy to import controlled drug,  
contrary to Article 23 of the Customs and  
Excise (General Provisions) (Jersey) Law,  
1972. (1 Count)

GN : Possession of a controlled drug, contrary  
to Article 6 (1) of the Misuse of Drugs  
(Jersey) Law, 1978 (2 counts)

**DETAILS OF OFFENCE:** The accused came through Customs with the  
3 children of GN (12 year old  
daughter, 6 year old son, 3 year old son).  
The daughter was found to have 1.43 kg of  
"cannabis" hidden under her clothing.  
GN and KC had pooled funds to  
travel to Holland to buy cannabis for re-  
sale in Jersey. GN, with KC'S  
knowledge, had made her daughter carry it  
through Customs next to her body. On  
analysis it transpired that the couple had  
been duped - the material was wax

compressed to look like cannabis. The real thing, in this weight, would have had a street value of £8,000+. The possession charges related to small "personal" quantities found on GN.

**DETAILS OF MITIGATION:** Eventual co-operation; youth in the case of KC

**PREVIOUS CONVICTIONS:** Effectively first offenders, but GN was not regarded as of good character, having admitted drug smuggling on 2 previous occasions. The daughter claimed that she had been used to carry the drugs on those occasions.

**CONCLUSIONS:** 18m each.

**SENTENCE AND  
OBSERVATIONS OF  
THE COURT:**

GN: 18m (+2+2m concurrent);  
KC: 12m - rather lesser rôle plus youth.  
Considered position of the children but Matthews and Drewett militates against personalised sentence for importation offences.

Confiscation Order (£2,258.10) under Drug Trafficking offences (Jersey) Law, 1988 was made against GN.

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C.E. Whelan, Esq., Crown Advocate  
Advocate P.C. Harris for GN  
Advocate J. Gollop for KC

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**JUDGMENT**

**THE DEPUTY BAILIFF:** Counsel have urged upon us, with considerable skill everything which could possibly be said on behalf of the accused.

Crown Advocate Whelan included in the Court bundle two authorities merely to indicate the tariff, but, there is, in the

second of those authorities, Attorney General -v- Matthews and Drewett (5th April, 1991) a very important paragraph. It is to be found at page 3 of the Judgement, page 102 of the Court bundle. It reads:

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

In the present case there was a conspiracy for the deliberate importation of drugs for commercial purposes and private gain.

This Court is bound by the previous decision of a Court of co-ordinate jurisdiction unless we are convinced that it was wrong. We are not so convinced, so we are bound by the decision in Matthews & Drewett, and indeed we are convinced it was a correct decision.

Therefore, in both cases we rule out completely any possibility of an individualised sentence and in both cases there must be a custodial sentence. We do not equate the case of *G.N.* with a case of custody care and control of children where the interests of the children are paramount. The approach in criminal matters is clear: offenders should reflect on the effect on their family before they embark on criminal conduct. The effect on the family is not mitigation.

In the case of *G.N.* we are satisfied that a sentence of eighteen months imprisonment is fully justified and takes account of all possible mitigation. The use of her child to perpetrate crime, causing her physical discomfort and mental distress was an act of cruelty and severely aggravates the offence.

Therefore, GN you are sentenced on Count 1 to eighteen months imprisonment. On Count 2 to two months imprisonment concurrent. On Count 3 to two months, concurrent, making a total of eighteen months imprisonment.

In the case of KC, however, we do believe that he was less culpable. We have little doubt that he was led by his co-accused, his senior by seven years, with whom, no doubt, he was infatuated. He has suffered a much greater financial loss. In his case, therefore, we reduce the sentence asked for to one of twelve months.

KC, on Count 1 you are sentenced to twelve months imprisonment.

Finally we make an Order that as far as the real cannabis is concerned and the amphetamine sulphate, it be forfeited and destroyed.

**AUTHORITIES**

A.G. -v- Hulme (11th January, 1991) Jersey Unreported.

A.G. -v- Matthews & Drewett (5th April, 1991) Jersey Unreported.

