

**ROYAL COURT**

15th November, 1991 168

Before: The Bailiff, and  
Jurats Myles and Gruchy

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Attorney General

- v -

Raymond Thomas

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**OFFENCE:**

- (1) Misuse of Drugs (Jersey) Law, 1978, Art. 6(2).
- (2) Misuse of Drugs (Jersey) Law, 1978, Art. 6(1).

**PLEA:** Guilty

**DETAILS OF OFFENCE:**

- (1) out of work, was given free lodging by man who dealt in drugs. On instructions, collected £12,500 worth of amphetamine sulphate (with the intent of supplying it to the dealer).
- (2) When arrested, was in possession of £27 worth cannabis for personal use.

**DETAILS MITIGATION:**

- (1) youth (2) first offender (3) good character (4) family support (5) remorse (6) co-operation.

**PREVIOUS CONVICTIONS:**

None

**CONCLUSIONS:**

- (1) 18 months (2) 6 months concurrent.

**SENTENCE AND OBSERVATIONS:**

(1) 18 months right for a benchmark, but reduced to 14 because of mitigation (2) 1 month correct sentence for first offence of possession for personal use, 6 months therefore reduced to 1 month concurrent. Drugs to be forfeited and destroyed.

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The Acting Attorney General;  
Advocate Mrs. D.J. Lang for the accused.

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**JUDGMENT**

BAILIFF: The first Order the Court will make is to confirm the Confiscation Order in the sum of £13,770.

As regards the sentences moved for by the Crown, I will take the easier one first, that is to say Count 2 in respect of the possession of some £27 worth of cannabis for personal use. The Court is of the opinion that the appropriate sentence and level for possession of cannabis in that amount for personal use is in fact not six months' imprisonment but one month's imprisonment. Accordingly, on Count 2 you are sentenced to one month's imprisonment which will be concurrent to the sentence I am now going to pronounce on Count 1.

As far as Count 1 is concerned, it is perfectly true that the accused has been exceptionally frank and helpful to the police and that is something we have been able to take very much into account. On the other hand it is clear to us that innocent couriers, even if they are used by drugs dealers, face a considerable risk that they will lose their liberty for the simple reason that they are precisely the type of first offenders and persons of good character who are used by drug users and dealers. It therefore behoves such people, who are

approached, to be aware that they run the risk, if they assist these drugs traffickers, of a considerable custodial sentence.

However, we have taken into account, Mrs. Lang, all the matters which you have urged in mitigation, particularly the relative youth of the accused, the fact that he is a first offender, and of previous good character. We have read the references which you have submitted and we are particularly impressed with those from the police and the clergy and we note that your client has the full support of his mother and father, who have travelled from Wales to be present this morning. It is not necessary for me to set out all the other matters we have taken into account. It will be obvious from the sentence which I am now going to impose that we have done our utmost to see how much we could reduce the conclusions which we think were right in respect of establishing a bench mark of 18 months; but having started from that, we felt that we were able to make some reduction because of the matters I have mentioned.

Not least of those matters is that your client, Mrs. Lang, is now remorseful, recognises how stupid he has been and when he comes out of prison we hope will not offend again, particularly in drugs matters.

Under the circumstances we are going to sentence you on Count 1 to 14 months' imprisonment and you are sentenced, accordingly. There will be an Order for the forfeiture and destruction of the drugs.

Authorities

A.G. -v- Bartley (26th July, 1991) Jersey Unreported.

A.G. -v- Bowman (25th January, 1991) Jersey Unreported.