

ROYAL COURT
(Superior Number) 113.

1st July, 1992

Before: The Bailiff, and Jurats
Coutanche, Vint, Bonn, Orchard, Gruchy,
Le Ruez, Vibert, Herbert and Rumfitt

The Attorney General

- v -

Stuart Terence Campbell

Sentencing, following guilty plea before the Inferior Number on 19th June, 1992, to 1 Count of importation of a controlled drug contrary to Article 23 of the Customs and Excise (General Provisions) (Jersey) Law, 1972.

OFFENCE:

Importation of 369 Ecstasy tablets.

DETAILS OF OFFENCE:

369 Ecstasy tablets concealed in Johnson's baby powder container. Said he had been given them by a supplier, whom he refused to name, and was to hand them over to a third party on arrival in Jersey. In return for this, a £480 debt which he had incurred because of a previous drug habit would be cancelled. Campbell was aware that the container concealed "something illegal" and presumed them to be controlled drugs. He claimed not to know the identity of the intended recipient and said that he would be recognised by his jacket, glasses and baggage. These items were loaned to a Customs Officer who walked in the forecourt but was not approached.

DETAILS OF MITIGATION:

Life marred by drug taking. Inability to find permanent employment. Living off £37 per week welfare money. Determination to start a new life free from drugs - girlfriend pregnant. Made the trip for fear of violent recrimination from supplier, were he to refuse - feared for safety of his girlfriend and family.

PREVIOUS CONVICTIONS:

Several, including two for drugs.

CONCLUSIONS:

Four years' imprisonment.

SENTENCE AND OBSERVATIONS OF THE COURT:

Three and a half years' imprisonment.

The Attorney General.

Advocate D. Petit for the accused.

JUDGMENT

THE BAILIFF: The importing of a Class "A" drug into this Island is a serious offence, and we have no hesitation in finding that the correct starting point is one of six years in a case of this nature.

However, having said that and having had regard to the background of the accused and the difficulties he has encountered during his life - which of course are balanced by his continued involvement in the drug scene in Liverpool and by his deliberately coming to Jersey, as the Attorney has said, in a manner which would increase the supply of unlawful drugs available for the young people of the Island, particularly that sort of Class "A" drug - we cannot find that the conclusions are so wrong that we should materially reduce them.

However, five of the Jurats considered that there could be a small reduction in the sentence mainly because of the accused's co-operation with the Customs Officer in lending him his clothes, his glasses and his baggage to see if it would be possible to entrap the person whom he was due to meet.

Therefore by a majority of five to four a sentence is imposed of 3¹/₂ years' imprisonment. Furthermore, an order will be made for the forfeiture and destruction of the drugs.

Authorities

AG -v- Pockett (16th April, 1991) Jersey Unreported.

Clarkin & Pockett -v- AG (3rd July, 1991) Jersey Unreported CoA

AG -v- Carr & Feeney (11th February, 1992) Jersey Unreported.

AG -v- Schollhammer (5th March, 1992) Jersey Unreported.