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ROYAL COURT

2nd October, 1992

173.

Before: F.C. Hamon, Esq., Commissioner,

assisted by Jurats Vint and Vibert

Attorney General

- v -

Mark Clarence Stephen Lovejoy

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1 count of	being knowingly concerned in an attempt at evasion of the prohibition on importation of a controlled drug, contrary to Article 17(b) of the Customs and Excise (General Provisions) (Jersey) Law, 1972. (With two co-accused; Count 1 of Indictment).
1 count of	possession of a controlled drug, contrary to Article 6(2) of the Misuse of Drugs (Jersey) Law, 1978. (Count 2).

AGE: 23.

PLEA: Guilty.

DETAILS OF OFFENCE:

Lovejoy was in a car driven from London to Poole in which courier travelled. He boarded ferry with organiser of drug run, presumably with the intention of meeting up with the courier once through Customs. Courier imported 451 tablets of Amphetamine Sulphate (Speed) plus 30 more such tablets crushed. Total street value £12,025. **Lovejoy** had on his person a small piece of cannabis weighing 33mg.

DETAILS OF MITIGATION:

Guilty pleas. Convictions without admissions that he made in a statement would be difficult. He neither organised the transaction nor purchased/carried the drugs. Believed that he was sufficiently distanced from the transaction not to have committed an offence. Unemployed. No evidence that he stood to gain financially from the transaction. First drug offence.

PREVIOUS CONVICTIONS:

Motoring offences and non-domestic burglary. No drug offences.

CONCLUSIONS:

Count 1: £3,000 fine or 6 months' imprisonment in default.
Count 2: £200 fine or 1 month's imprisonment in default.

SENTENCE AND OBSERVATIONS OF THE COURT:

Count 1: 12 months' imprisonment.
Count 2: 2 weeks' imprisonment concurrent.

The Court felt that they could not depart from stated policy of custodial sentences for importation offences.

A.R. Binnington, Esq., Crown Advocate.

Advocate P. Landick for the accused.

JUDGMENT

THE COMMISSIONER: This is your first offence for drugs.

We are not entirely convinced that your motives in coming t Jersey were to find work as a Disc Jockey. We believe that yc knew precisely what was going on just as you knew what was goir on when you twice drove McNally to an address in Crystal Palace t further his drug dealing venture. Ignorance of the Law is r excuse and anyone who thinks that they can play a passive part i drug dealing when they know what is going on must now be totall disabused.

You have spent 45 days in prison and we take that into account. To talk (as your counsel did) of loyalty to a friend when you have a wife and two children strikes us, in these circumstances, as loyalty which is totally misplaced.

The first count charges you with being knowingly concerned in an attempt at evasion of the prohibition on importation of a controlled drug.

We have taken into account everything that your counsel has urged and we have listened very carefully to the learned Crown Advocate, but we cannot accept that this is, in the words of your counsel, "totally unusual", or "totally exceptional".

We cannot in the circumstances - because of the sentencing policy of this Court - see that we can avoid a prison sentence; and in the circumstances we sentence you to 12 months' imprisonment on Count 1; 2 weeks' imprisonment on Count 2 concurrent; and we order that the drugs be destroyed.

No authorities.