

- page -

ROYAL COURT  
(Samedi Division) 28.

13th February, 1995

Before: The Deputy Bailiff and Jurats  
Coutanche, Myles, Orchard, Hamon,  
Gruchy, Le Ruez, Vibert, Herbert and  
Runfitt

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The Attorney General

- v -

Peter William Whitmore

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Sentencing by the Superior Number of the Royal Court, to which the accused was remanded by the Inferior Number, on 6th January, 1995 following guilty pleas to:

2 counts of being knowingly concerned in the fraudulent evasion of the prohibition on importation of a controlled drug, contrary to Article 77 (b) of the Customs and Excise (General Provisions) (Jersey) Law, 1972 (count 1 of the Indictment: amphetamine sulphate; count 2: herbal cannabis).

AGE: 44 years.

PLEA: Guilty.

**DETAILS OF OFFENCE:**

Accused was to have gambling debt of £1,900.00 in Liverpool forgiven for making drug run to Jersey. 2.85 kilograms cannabis, 2.6 kilograms amphetamine sulphate concealed between plastic panel and bodywork of car. Stopped by Customs Officers at the Harbour driving off the morning boat from Weymouth. Initially denied any knowledge of the packages. Later admitted he knew packages contained "something illegal - a bit of cannabis; one or two kilos". Cannabis had street value between £16,416.00 and £20,520.00. Amphetamine sulphate (at circa £15.00 per gram) £39,000.00. Total value - between £55,416.00 and £59,520.00. Amphetamine only between 1.4% and 1.9% purity and could not be 'cut' further.

**DETAILS OF MITIGATION:**

Desperate and tragic personal/family circumstances. His son in very serious motor accident leaving him seriously brain-damaged, resulting in violence, unpredictability and fits. Impact on accused and his wife (who read a statement to the Court) involved serious depressive problems. Accused developed serious gambling problem and hence an easy target for drug dealers. He believed only cannabis was involved. The amphetamine sulphate involved was below average purity normally of 4 or 5%. Effect on ultimate users not so severe. Questioned whether this consignment of amphetamine sulphate could in fact have realised £15.00 per gram. Guilty plea. Remorse.

PREVIOUS CONVICTIONS:

1967 shopbreaking, storebreaking and larceny. 1989 ABH and criminal damage. 1990 attempted burglary w.i. to steal.

CONCLUSIONS:

Count 1: 4½ years' imprisonment.  
Count 2: 4½ years' imprisonment, concurrent.  
Forfeiture and destruction of drugs.

SENTENCE OF THE COURT: Conclusions granted, (by a majority).

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S.C.K. Pallot, Esq., Crown Advocate  
Advocate P.M. Livingstone for the accused

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JUDGMENT

THE DEPUTY BAILIFF: Whitmore has no connection with Jersey. He is 44 years old. On 8th August, 1994, he arrived with his car and with a friend on the morning boat from Weymouth. He had left the car in a Liverpool car park to be loaded with drugs, no questions asked. He told Customs Officers that he had come to the Island for a break and a holiday. They had planned to stay at the Hotel de Normandie, Havre des Pas. Customs Officers found 5 packages concealed within the body work of the car. Analysis shows there to be a total of 2.85 kilogrammes of herbal cannabis, 1.534 kilogrammes of powder, containing 1.9% by weight of amphetamine sulphate and 1.071 kilogrammes of powder containing 1.4% by weight of amphetamine sulphate. The total street value of the drugs we were told is between £55,000 and £60,000. We can only repeat what we said this morning in Rayson (13th February, 1995) Jersey Unreported, the street value will obviously decrease as the supply increases.

In the previous case of Rayson we had cited to us Aramah (1982) 4 Cr. App. R. (S) 407, and the way that it was applied in Rawlinson -v- A.G. (19th January, 1993) Jersey Unreported, and A.G. -v- Bate (22nd November, 1993) Jersey Unreported.

The quantity of drugs imported by Whitmore is some 6 times the equivalent of that imported by Rawlinson who at that time received a sentence of 3 years imprisonment. We can only repeat the most apposite words of the Crown Advocate:

*"A person of indifferent character accepting the risk of apprehension for a relatively modest financial gain and in the process increasing the stock of illicit drugs and thereby aggravating the burden of the insular drug problem."*

Whitmore was approached in a pub. He was particularly vulnerable. We heard a sad statement from Mrs. Whitmore. The statement was in itself unusual; the Crown Advocate raised no objection. Mrs. Whitmore and two of his children have come to Court today. The family have apparently been threatened in Liverpool, we presume so that he would not identify his source.

Mr. Livingstone raised with us the case of Bilinski (1987) 9 Cr. App. R (S) 360, as applied in A.G. -v- Campbell (15th September, 1994) Jersey Unreported. We cannot see that Bilinski is relevant. Mr. Whitmore had left his car in a Liverpool car park to be loaded and it does say in the head note to Bilinski:

*"Whether that was so or not the mitigating fact of the appellant's belief, if held, was small and the exercise of only a small degree of curiosity, enquiry or care, would have revealed the true nature of the drug."*

We are sympathetic to you, Whitmore, but the learned Jurats have considered most carefully not only the mitigating factors, both personal and forensic, put forward so ably by Mr. Livingstone.

The message must go out from this Court: we are a small Island with an enormous drugs problem.

We appreciate the additional problems that this action has caused to your already deeply troubled family. We sympathise but we cannot taken that into account.

By a majority of the learned Jurats you are sentenced to 4½ years imprisonment and we order forfeiture and destruction of the drugs.

Authorities

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

Rawlinson -v- A.G. (19th January, 1993) Jersey Unreported C.of A.

A.G. -v- Bate (22nd November, 1993) Jersey Unreported.

A.G. -v- Campbell (15th September, 1994) Jersey Unreported.

Bilinski (1987) 9 Cr. App. R. (S) 360.

Fortson: "The Law on the Misuse of Drugs and Drug Trafficking Offences." (2nd Ed'n): pp.327-8; 308-13.