

ROYAL COURT
(Samedi Division)

18.

24th January, 1996

Before: The Bailiff and Jurats Coutanche, Blampied,
Myles, Bonn, Orchard, Gruchy, Vibert, Herbert, Potter
and de Veulle

The Attorney General

-v-

Raymond Clarkson Brownlie

Sentencing by the Superior Number of the Royal Court, to which the accused was remanded by the Inferior Number on 5th January, 1996, following a guilty plea to:

1 count of possession of a controlled drug (MDEA), with intent to supply it to another, contrary to Article 6(2) of the Misuse of Drugs (Jersey) Law, 1978 (count 1); and

1 count of possession of a controlled drug (MDEA), contrary to Article 6(1) of the said Law (count 2).

Plea: Guilty.

Age: 33 years.

DETAILS OF OFFENCE

Defendant went to Madison's to purchase Ecstasy tablet from person he knew. Decided to go to Rave at Inn on the Park. Asked supplier for two more tablets "on tick". Defendant had no available cash. Supplier asked if Defendant would take some tablets into Rave. Defendant agreed to do so on payment of £150. Defendant searched on entering Inn on the Park. Found in possession 79 tablets M.D.E.A.

DETAILS OF MITIGATION

"One off" act of drunken foolishness. Court asked to distinguish between "courier" and "minder". No planning by Defendant. Co-operation, good character, remorse. Starting point should be 5 years and sentence of 3 years appropriate sentence for Count one.

PREVIOUS CONVICTIONS

1 previous conviction for driving whilst unfit - not relevant.

CONCLUSIONS:

count 1: 5 years' imprisonment.
count 2: 1 year's imprisonment, concurrent.

Confiscation Order in sum of £150.

SENTENCE & OBSERVATIONS OF THE COURT

count 1: 4½ years' imprisonment.
count 2: 1 year's imprisonment, concurrent.

Court accepts that this was isolated error of judgement, that the Defendant was not generally a dealer. Lower end of scale of trafficking. Nevertheless extremely serious offence. Court able to reduce conclusions slightly.

Confiscation Order in the sum of £150. Forfeiture and destruction of drugs ordered.

D.E. Le Cornu, Esq, Crown Advocate
Advocate S.E. Fitz for the accused

JUDGMENT

5 THE BAILIFF: The Court accepts that this was an isolated error of judgment, albeit a very serious error of judgment. We accept that Brownlie is not generally a dealer in drugs but that on this occasion for reasons, which now appear to the Court and probably also to Brownlie, to be trivial, he allowed himself to be persuaded to carry into a night club 79 tablets of ecstasy. This was in our judgment at the lowest end of the scale of drug trafficking. Nevertheless, Brownlie is a mature man who must have known that to attempt to smuggle ecstasy through a controlled barrier into a place where young people were gathered would be regarded by the Court as an extremely serious offence.

15 We have been impressed by the references placed before us, and indeed by the letter from Brownlie which emphasised the remorse which Counsel has urged us to accept. Despite initial prevarication he was ultimately co-operative with the police. He had no real need to commit this offence and has substantial savings earned from decent employment. He is supported by his family to whom he has caused some distress, and finally he is a first offender.

25 We feel able to make some slight reduction on the conclusions to take account of those unusually strong mitigating factors. The Court accordingly sentences you on count 1, 4½ years' imprisonment; count 2, 12 months' imprisonment, concurrent, making a total of 4½ years imprisonment and we order the forfeiture and destruction of the drugs.

Authorities

Campbell, Molloy, MacKenzie, (4th April, 1995) Jersey Unreported
CofA.

A.G. -v- Seddon (30th October, 1995) Jersey Unreported.

A.G. -v- McHardy (15th November, 1995) Jersey Unreported.

A.G. -v- Dawbiggin, Glover (21st December, 1995) Jersey
Unreported.

Mustafa Arif (1994) 15 Cr. App. (S) 895.

Phillip Peter

Spalding (1995) 16 Cr. App. R. (s) 803.