

ROYAL COURT  
(Samedi Division)

112A.

14th June, 1996

Before: The Deputy Bailiff, and  
Jurats Blampied and Jones.

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The Attorney General

- v -

Lorna Anne Gilmour

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- 2 counts of supplying a controlled drug, contrary to Article 5(b) of the Misuse of Drugs (Jersey) Law, 1978:  
Count 1 : M.D.E.A.  
Count 2 : M.D.E.A.
- 1 count of possessing a controlled drug (M.D.E.A.), with intent to supply it to another, contrary to Article 6(1) of the said Law (count 3); and
- 1 count of possessing a controlled drug (herbal cannabis), contrary to Article 6(1) of the said Law (count 4).

Plea: Guilty.

Age: 27.

Details of Offence: Defendant arrested at Inn on the Park in early hours of the morning in course of selling ecstasy tablets. She was in possession of 70 tablets. Admitted knowing of the importation the previous day by her boyfriend of 100 tablets. Admitted selling 15 tablets at Madison's Earlier that evening and 8/9 at the Inn on the Park prior to arrest. Anticipated profit of the venture was £1,800.00 (sale price £25 per tablet, cost £7 per tablet) and was to be used to fund trip to Tenerife for defendant and boyfriend.

Details of Mitigation: Defendant had been very co-operative. The two counts of supply had only been charged because of her admissions. Previous good character and guilty plea. Her life and good reputation ruined by a moment of weakness following the importation by the boyfriend. She had resisted pressure from the boyfriend to change her story implicating him in the importation but suffered a sense of injustice that he had been acquitted at the Police Court through insufficient evidence whereas she was facing a prison sentence. The correct starting point should be seven years.

Previous Convictions: None.

Conclusions:

Count 1 : 4 years' imprisonment.  
Count 2 : 4 years' imprisonment, concurrent.  
Count 3 : 4 years' imprisonment, concurrent.  
Count 4 : 2 weeks' imprisonment, concurrent.

Sentence and Observations of the Court: Crown was correct to take a starting point of eight years, notwithstanding the modest amount of ecstasy because involvement of defendant went beyond that of a mere courier or retail seller of a similar amount, but available mitigation enabled Court to reduce the conclusions.

Count 1 : 3½ years' imprisonment.  
Count 2 : 3½ years' imprisonment, concurrent.  
Count 3 : 3½ years' imprisonment, concurrent.  
Count 4 : 2 weeks' imprisonment, concurrent.

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The Attorney General.  
Advocate R.J.F. Pirie for the accused.

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JUDGMENT

THE DEPUTY BAILIFF: Miss Gilmour was caught in the very act of dealing in drugs in what is euphemistically called a 'Rave' at the 'Inn on the Park'. She had 68 ecstasy tablets in her possession and a quantity of cash. Later herbal cannabis was found at the flat that she occupied in Patriotic Place; that was a small amount.

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She implicated her boyfriend, Gary Donaldson, who had apparently duped her into going to Sunderland with him. There drugs were purchased which, if sold in Jersey, would have yielded a profit of £1,800 which would have helped to fund a joint holiday in Tenerife. Within hours of being back in Jersey, Miss Gilmour was selling the drugs in at least two nightclubs. We have to bear in mind that the sale of these drugs might have caused untold harm and even death.

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Donaldson - who apparently brought the ecstasy tablets into Jersey in his boots -- and the person to whom Miss Gilmour was selling the tablets were both acquitted at the Police Court.

This case has taken a long time to bring to Court; whatever the explanation for this, we cannot see that the delay has caused any injustice though it may have caused stress and anxiety - and

we can understand that. As the learned Attorney has said: any time spent on remand will count towards the eventual sentence.

5 Looking at the Law which must guide us today we take  
Campbell, Molloy and MacKenzie (4th April, 1995) Jersey Unreported  
CofA, where a starting point for a simple courier or a retailer  
dealer selling approximately the same amount of ecstasy tablets  
would be seven years. But we have to agree with the learned  
10 Attorney that there was a very close connection at every stage of  
her journey with Donaldson. Miss Gilmour knew from the time she  
arrived in Sunderland that whatever she had been told originally  
the purpose of the visit was a drug run to Jersey. She made the  
drug run and she was in Jersey selling these poisons within hours  
of getting back here.

15 We therefore accept the conclusions of the learned Attorney  
that eight years is our starting point. There is, however, much -  
as the learned Attorney has said - to be said in mitigation. Miss  
Gilmour has pleaded guilty; was very forthcoming to the police;  
20 she supplied information about more ecstasy tablets than those  
with which she was actually caught in possession. She is of good  
character; she has shown remorse and has pleaded guilty.

25 We must say this: she did, apparently, plead not guilty to a  
charge of fraudulent evasion of the prohibition on importation of  
a controlled drug and this may have led to Donaldson's acquittal.  
We only mention this because she has pleaded guilty to all the  
charges brought against her today. It has been suggested that the  
30 prosecution is adding a year in order to make up for the fact that  
Donaldson was acquitted. We totally refute that suggestion, but  
we can understand that the events in the Police Court may have  
given the accused a sense of injustice because, as we have said,  
both Di Pietro and Donaldson walked free.

35 Obviously we can allow a third off the sentence for a guilty  
plea; although there was one plea of not guilty, we will ignore  
that. We have to allow also for the remorse that she clearly  
feels and that she comes to us at the age of 27 with a clean  
record also of course having in part written her own indictment.

40 We have studied letters sent to her by Donaldson in prison  
but we must say, Mr. Pirie, that they did not help us very much in  
the conclusion that we have to reach.

45 Miss Gilmour, will you stand up, please. You have - as I am  
sure you are aware - effectively ruined your life for the time  
being by what you have done. The message that we have sent out  
from this Court has been extremely clear, we think, and we hope  
that others will take notice of what we have said. In the  
50 particular circumstances of your case, however, and in view of the  
mitigation which has been put forward, we are going to sentence  
you, on counts 1, 2 and 3 to a term of three and a half years'

imprisonment; on count 4, you are sentenced to 2 weeks' imprisonment, concurrent. We order the forfeiture and destruction of the drugs.

Authorities

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