

ROYAL COURT
(Samedi Division)

14th March, 1997

49.

Before: The Deputy Bailiff and
Jurats Le Ruez and Vibert

The Attorney General

-v-

Donald McCrum

2 counts of being knowingly concerned in the fraudulent evasion of the prohibition on the importation of a controlled drug contrary to Article 77(b) of the Customs and Excise (General Provisions) (Jersey) Law, 1972.

Count 1 : herbal cannabis
Count 2 : amphetamine sulphate

Plea: Guilty

Age: 29

Details of Offence:

Accused came by car from UK with 2.487 kg herbal cannabis (street value £14,000-£17,500) and 739 mg amphetamine sulphate. Accused had done a "dry run" to Guernsey a few weeks earlier.

Details of Mitigation:

Father very ill in Scotland. Accused had surrendered to his bail. First offence for drug trafficking. Personal references. Remorse shown.

Previous convictions:

Various public order offences and three convictions for possession of cannabis.

Conclusions:

Count 1: 3 years' imprisonment.
Count 2: 1 month's imprisonment, concurrent.

Sentence and Observations:

Conclusions granted. Commercial importation of drugs. Court cannot take into account the father's health. Campbell tariff applied.

W. J. Bailhache, Esq., Crown Advocate
S. J. Crane for the accused

JUDGMENT

THE DEPUTY BAILIFF: McCrum was stopped by Customs at Elizabeth Quay on Saturday, 30th November of last year when he was coming into Jersey in his car with his girlfriend. They had come on the ferry from Weymouth. He declared 200 cigarettes and a bottle of vodka
5 but a search of the car revealed a small package of amphetamine sulphate.

When the car was further searched, despite McCrum's initial professions of innocence, he eventually told the Customs Officers that in a panel behind the engine block were some drugs and there
10 the Customs Officers discovered five block-shaped packages. In all 2.487 kilo grams of herbal cannabis, with a street value of between £14,038 and £17,548, were found. That represents, according to the Crown Advocate, a possible 701 deals. To us
15 that is a blatant importation of a commercial quantity of a drug on a wholesale basis.

All that McCrum would tell Customs Officers about the arrangement for collection of this Class B drug was that he had
20 been supplied in London and that he was going to be met at the Apollo Hotel. He told Customs Officers that he had met his supplier in a pub in London and he had already been paid to make a dry run to Guernsey. He denied having taken drugs into Guernsey, although he said that his supplier had paid for him when he had
25 met him in Guernsey to stay for three separate nights at three separate hotels.

There is much in the story that he told Customs Officers that leads us to believe that they might not have the full story but we
30 can, of course, only sentence on the information that is before us and we ignore those matters.

If we apply the guidelines in Campbell, Molloy, MacKenzie -v- A.G. (1995) JLR 136 CofA, on importation, between 1 and 10
35 kilograms of cannabis suggests a bracket of between 2 to 6 years. We have spent some time looking very carefully at McCrum's personal references and while we are still surprised at a reference from Martin Quirke Ceilings that seems to imply that

work was readily available to McCrum and would continue to be so, that letter ends:

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"..when Donald is free, be now or then, I can assure you he can resume full employment with my company."

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Although the letter is unsigned Mr. Crane has given us an explanation but despite that explanation we still say that we find that letter surprising.

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We have listened to everything that Advocate Crane has said. We have studied the many references. The unfortunate and very sad health problems of McCrum's father cannot affect our decision. McCrum took a calculated risk. He even did a dry run to test the ability of Customs Officers in another jurisdiction. We want the message to keep going out loud and clear to those who, through drugs, have waged war on our society, that this Court will continue to protect society from this deadly trade. In the circumstances we have no doubt the conclusions of the Crown are correct and therefore, McCrum - stand up please - we are sentencing you to 3 years imprisonment on count 1 and 1 month's concurrent on count 2 and we order forfeiture and destruction of the drugs.

Authoritie

A.G. -v- Jeffrey (5th June, 1996) Jersey Unreported.

A.G. -v- Moore (1st March, 1995) Jersey Unreported.

A.G. -v- Whitmore (13th February, 1995) Jersey Unreported.

Campbell, Molloy, Mackenzie -v- A.G. (1995) JLR 136 CofA.