

ROYAL COURT
(Samedi Division)

15th September, 1994

186.

Before: The Bailiff, and Jurats
Coutanche, Blampied, Bonn, Hamon,
Le Ruez, Vibert, Herbert,
Rumfitt, & Potter.

The Attorney General

- v -

Angharradd Michaela Garnham (the first accused)
Rosalie June Garnham (the second accused)

Sentencing by the Superior Number, following guilty pleas before the Inferior Number on 2nd September, 1994,
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: M.D.M.A.; Count 2: amphetamine sulphate).

AGE:

First accused: 22 yrs.
Second accused: 44 yrs.

PLEAS: Guilty.

DETAILS OF OFFENCE:

Defendants were mother and daughter. Guernsey residents. 'Targeted' as couriers. Went to London. Received 99 Ecstasy tablets and quantity of amphetamine sulphate. Ecstasy street value approx. £3,000 - £3,400. Amphetamine sulphate approx. £1,600 - £2,000. Ecstasy tablets concealed in daughter's bra. 'Speed' concealed in mother's vagina. Plane from Gatwick to Guernsey diverted to Jersey because of fog. Defendants stopped and drugs discovered. Mother would have received almost £1,000 for the 'drug run'. The daughter approx. £200.

DETAILS OF MITIGATION:

Eventually co-operative. Previous good character. Recent death of mother's husband. Son in prison. Single daughter with children. Mounting debts. Defendants 'targeted' as vulnerable but respectable persons.

PREVIOUS CONVICTIONS:

Effectively none.

CONCLUSIONS:

The first accused: Count 1: 3 years' probation.
 Count 2: 3 years' probation, concurrent.

The second accused: Count 1: 3 years' imprisonment.
 Count 2: 18 months' imprisonment, concurrent.

SENTENCE:

The first accused: conclusions granted.

The second accused: Count 1: 2 years' imprisonment.
 Count 2: 1 1/2 year's imprisonment (concurrent).

S.C.K. Pallot, Esq., Crown Advocate.
Advocate S.J. Crane for the first accused.
Advocate Mrs. S.A. Pearmain for the second accused.

JUDGMENT

5 **THE BAILIFF:** As regards Angharradd Michaela Garnham, we are granting the conclusions of the Crown on your undertaking, given to this Court today, that you will return to Guernsey and place yourself voluntarily under the control of a Guernsey Probation Officer for three years and to do as he directs. If you do not do that you will be in breach of the Order here and you may - I do not know if you could be - but you certainly run the risk of coming back here and possibly going to prison here.

10 As regards Rosalie June Garnham, we have considered carefully whether this is an appropriate case in which not to impose a sentence of imprisonment. The Court is satisfied that it is not an exceptional circumstance that due to fog, your client, Mrs. Pearmain, and her daughter were directed to Jersey, nor that there is a possibility that she may be proceeded against in Guernsey. Those are not exceptional circumstances.

20 Furthermore, exceptional circumstances must also relate more to the offence itself than to the personal difficulties of the accused. Nevertheless, there have been considerable hardships

5 both emotional and financial endured by your client, and until
those overtook her, she was a person of good character. As
against that, of course, as someone helping to care for children
between 9 and 20, it must have been apparent to her that she was
10 prepared to add to illegal drugs in the island of Guernsey, as it
was originally planned, and thus possibly to expose her charges to
the risk of taking those drugs and she went on to take that risk,
quite openly, and that is something we cannot overlook in
considering whether she should go to prison.

15 The Court is unanimous, therefore, that she should go to
prison but because of the background matters referred to in the
report and the position she found herself in, we feel able to
reduce the conclusions.

You are therefore sentenced to two years' imprisonment on
count 1; on count 2, you are sentenced to 18 months' imprisonment,
concurrent, making a total of 2 years' imprisonment. There will
be an order for the forfeiture and destruction of the drugs.

Authorities

Whelan: Aspects of Sentencing in the Superior Courts of Jersey:
p.29: Clarkin, Pockett -v- A.G. (1991) JLR 213.