

ROYAL COURT
(Samedi Division)

155.

25th July, 1994

Before: The Deputy Bailiff, and Jurats
Coutanche, Blampied, Myles, Orchard, Hamon,
Gruchy, Vibert, Herbert, and Rumfitt.

The Attorney General

- v -

Stephen Thomas Little

Sentencing before the Superior Number, to which the accused was remanded on 24th June, 1994, following guilty pleas before the Inferior Number to:

- 1 count of being knowingly concerned in the fraudulent evasion of a prohibition on the importation of goods (MDMA), contrary to Article 77(b) of the Customs and Excise (General Provisions) (Jersey) Law, 1972.
- 1 count of possession of a controlled drug (cannabis resin), contrary to Article 6(1) of the Misuse of Drugs (Jersey) Law, 1978.

AGE: 22

PLEA: Guilty

DETAILS OF OFFENCE:

The accused was stopped at Jersey Airport returning from his native Liverpool. Refused to be strip-searched. Jurat ordered use of force if necessary. Accused capitulated; found to be wearing an improvised body-belt containing 284 Ecstasy tablets (value 5 1/2-7k). Accused initially said that he was in business on his own account. Months later the accused's explanations changed - he said that he had been recruited by unnamed people to act as a courier, and would have received a fee of £1,000.

DETAILS OF MITIGATION:

Financial hardship; youth; character; voluntary attendance at drug counselling sessions in prison.

PREVIOUS CONVICTIONS:

One for assault. Discounted for present purposes.

CONCLUSIONS:

Count 1: 4 years' imprisonment.
Count 2: 1 month's imprisonment, (concurrent).

SENTENCE:

Conclusions granted. The accused was a determined smuggler. Court reaffirms its resolution to maintain a stringent sentencing policy in this area.

C.E. Whelan, Esq., Crown Advocate.
Advocate S.J. Crane for the accused.

JUDGMENT

THE DEPUTY BAILIFF: This was, in the view of the Court, a determined smuggling effort. The drugs were concealed in a belt taped to Little's waist and the defendant persisted in his attempt to brazen out his confrontation with the Customs Officers to the extent of requiring the attendance of a Jurat to arbitrate on the reasonableness of his refusal to permit a body search.

The amount of drugs involved was significant (284 Ecstasy tablets, which are of course Class A drugs) and which would, as the Crown Advocate rightly said, have fed the appetite of a large number of people.

Little, we have taken careful note of what your counsel has said, very ably, on your behalf. It gives the Court no pleasure to impose a substantial prison sentence upon a young man of your age, who is otherwise of good character. But the Court is determined to do what it can, in accordance with the policy which it has outlined on many occasions, to stamp out the abuse of Class A drugs which corrupt and destroy the lives of so many young people in Jersey and their relationships with their families.

The conclusions of the learned Crown Advocate are accordingly granted. On Count 1, Little, you are sentenced to four years' imprisonment; on Count 2, to one month's imprisonment concurrent, making a total of four years' imprisonment, and we order the forfeiture and destruction of the drugs.

Authorities

Lawson (1987) 9 Cr. App. R. (S.) 52.

A.G. -v- Schollhammer (5th March, 1992) Jersey Unreported.

A.G. -v- Vellam (5th March, 1993) Jersey Unreported.

A.G. -v- Campbell (28th September, 1992) Jersey Unreported.

Clarkin, Pockett -v- A.G. (1991) J.L.R. 213.

Whelan: Aspects of Sentencing in the Superior Courts of Jersey:
p.48.