

ROYAL COURT
(Samedi Division)

16th January, 1995

6.

Before: The Bailiff and Jurats
Coutanche, Blampied, Orchard, Gruchy,
Le Ruez, Herbert, and Rumfitt

The Attorney General

- v -

Mark Alma Kelly

Sentencing by the Superior Number of the Royal Court, following a guilty plea before the Inferior Number on 9th December, 1944, to:

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

AGE: 25 years

PLEA: Guilty

DETAILS OF OFFENCE: Stopped on arrival at Airport from Exeter. Sellotaped around his stomach and armpits total of 1.36 kilogrammes of cannabis resin - street value £7,833. Had stolen the drug in England. Said it was for his own use, but admitted he might have sold it if unable to find employment in Jersey.

DETAILS OF MITIGATION: Co-operative after body search revealed drugs. Guilty plea. Relative youth.

PREVIOUS CONVICTIONS: Minor assault/breach of the peace. No previous drug-related offences.

CONCLUSIONS: 3 years' imprisonment.

SENTENCE OF THE COURT: Conclusions reduced slightly to 2½ years to represent proper discount from starting point for mitigating effect (such as it was) of guilty plea.

S.C.K. Pallot, Esq., Crown Advocate
Advocate R. J. Renouf for the accused

JUDGMENT

THE BAILIFF: Kelly, stand up. You knew perfectly well what you were doing, in importing cannabis into this Island. You knew that it was an illegal drug and that the way you imported it was illegal. 5 It is true that you co-operated eventually with the police, but there was very little else you could do; they had found the substance on you.

10 Anybody who imports drugs into this Island which, as you well know, is a small community, adds to the overall quantity of drugs. However, in view of your comparative youth, and in view of everything your father has written in his letter to us - though we cannot envisage granting you probation, which your father wished, 15 as that would not be in accordance with our sentencing principles; it is not therefore possible, and we would not have granted it even if it had been possible, because we think you deserve a prison sentence - but, having regard also to what your Counsel has said we think it right to deduct the full amount as mitigation 20 in respect of your guilty plea and we have in fact done a little more than that; the Jurats are satisfied that the appropriate sentence which I now impose on you, is one of 2 1/2 years imprisonment. There will be the usual order for forfeiture and destruction of the drugs.

Authorities

Dolgin (1988) 10 Cr. App. R. (s) 447.

Rawlinson -v- A.G. (19th January, 1993) Jersey Unreported C.of A.

Lynch & Ors. -v- A.G. (11th January, 1994) Jersey Unreported C.of A.