

ROYAL COURT
(Samedi Division)

221.

25th November, 1996

Before: F.C. Hamon, Esq., Deputy Bailiff,
and Jurats Blampied, Myles, Gruchy, Le Ruez,
Vibert, Rumfitt, Potter, de Veulle, Querée

The Attorney General

- v -

Lara Maria Giovanna Galante

Sentencing by the Superior Number of the Royal Court, to which the accused was remanded by the Inferior Number on 11th October, 1996, following a guilty plea to:

2 counts of supplying a controlled drug, contrary to Article 5(b) of the Misuse of Drugs (Jersey) Law, 1978:

- Count 1 : M.D.M.A.
- Count 2 : Amphetamine Sulphate.

1 count of possession of a controlled drug, with intent to supply, contrary to Article 6(2) of the Misuse of Drugs (Jersey) Law, 1978:

- Count 3 : M.D.M.A.

1 count of being the occupier of premises, knowingly permitted the smoking of cannabis or cannabis resin, contrary to Article 9 of the Misuse of Drugs (Jersey) Law, 1978 (count 4).

The accused also pleaded guilty to the following supplementary count which the Crown was given leave to add to the indictment on 25th November, 1996:

1 count of possession of a controlled drug with intent to supply, contrary to Article 6(2) of the Misuse of Drugs (Jersey) Law, 1978:

- Count 5 : Amphetamine Sulphate.

Age: 25.

Details of Offence:

Arrested in possession of 202 ecstasy tablets and 18 amphetamine tablets [counts 1 and 2]. Admitted supply over four month period of c.977 ecstasy tablets and 50 amphetamine tablets [counts 3 and 5]. Admitted allowing former boyfriend(s) to smoke cannabis in her flat. Values £4,400 in possession and £16,140 previously supplied [£20,540]. Not in real financial difficulties. Supplied drugs to fund own habit. Even if figure lower [see mitigation], still dealing on a regular basis in significant amounts of dangerous drugs. Three different suppliers whom she would not name.

Details of Mitigation:

Sad childhood and problems with parents. Single mother, daughter aged 4, son aged 4 months at time of offence. Thought in retrospect had over estimated drugs previously supplied by c.247 ecstasy. Intended to give up dealing (persuaded by boyfriend). 147 ecstasy in her possession on arrest left with her by supplier even though she said she did not want them. Co-operative save for naming suppliers and frank about former supplying. No exceptional circumstances but act of mercy in Court's discretion.

Previous Convictions: Two minor juvenile, nothing relevant. Effectively good character.

Conclusions:

Count 1 : 5 years' imprisonment.
Count 2 : 2 years' imprisonment, concurrent.
Count 3 : 5 years' imprisonment, concurrent.
Count 4 : 3 months' imprisonment, concurrent.
Count 5 : 2 years' imprisonment, concurrent.
TOTAL : 5 years' imprisonment.

Sentence and Observations of the Court:

Count 1 : 6 years' imprisonment.
Count 2 : 2 years' imprisonment, concurrent.
Count 3 : 6 years' imprisonment, concurrent.
Count 4 : 3 months' imprisonment, concurrent.
Count 5 : 2 years' imprisonment, concurrent.
TOTAL : 6 years' imprisonment.

Drug Trafficking a trade. Court's duty to stamp it out. Surprised that single mother should go pushing drugs leaving her children at home.

The Solicitor General.
Advocate S.J. Crane for the accused.

JUDGMENT

THE DEPUTY BAILIFF: Lara Galante faces five counts concerned with drug trafficking, possession of drugs and allowing cannabis to be smoked in her flat in Winchester Street.

5 The supplying and possession counts relate to ecstasy and
amphetamine sulphate tablets. Her arrest came about in this way:
in the early hours of Saturday, 8th June, she was observed by
police officers behaving suspiciously in a town nightclub. She
was kept under observation and at 10 o'clock on the evening of the
10 same day, she was seen in "Churchills" Wine Bar, sitting at a
table near the entrance. There was much coming and going and
those observing her were clearly aware that she was selling drugs.
What the management of "Churchills" was doing at the time we do
not know.

15 Later that evening she was followed to her car, stopped and
searched. There were bags of drugs in her jacket, her jeans and
the glove compartment of the car. They were all later examined

forensically once she had been arrested. A search warrant was issued for her flat and there was clear evidence of drug abuse in that cannabis had been smoked there that evening. In total, Galante had 18 tablets of amphetamine sulphate and 202 tablets of MDMA or ecstasy. She also had substantial amounts of cash about her person; there was £40 in her coat (which she said was her wages); £140 in her right boot and £230 concealed in her left boot.

She told the police officers under caution that she had been supplying drugs for about ten weeks, since the birth of her younger child. She has two illegitimate children, one aged four, the other aged nine months. However, she is not short of cash. She has a morning job for which she earns £120 per week. She receives £290 per month Family Allowance and, apparently, her only legitimate debt is £400 from a shopping catalogue which she pays off at £100 per month. She is able to save.

Her other debts relate to payment for these poisons which she peddles to such effect. She has three suppliers to whom she owes money. She clearly knows who they are but she will not name them. Had she done so, of course, we would have allowed her a very substantial discount. She has been frank with the police about her involvement. She was selling the drugs normally for £20 a tablet, but occasionally for £15 each, just to get rid of them. Her profit was some £200 for every 50 tablets, although some of that was used to fund her own personal intake.

But for the alertness of the police, whom we commend in this matter, she would, no doubt, as a mother of two young children, have continued to sell to others with no thought whatsoever of the consequences. Sadly, there appears to be no end to the stupidity and the lack of any moral fibre of those who continue to sell these dangerous drugs for profit.

We will repeat here the words of the Court of Appeal in Campbell, Molloy, MacKenzie -v- A.G. (1995) JLR 136, where the Court said this at p.144:

"We have no doubt that the courts should indeed play their part in suppressing the evil of drug trafficking which has the capacity to wreak havoc in the lives of individual abusers and their families".

The Court went on to finish that passage with these words:

"We desire therefore to make absolutely clear what is the policy of the courts in this jurisdiction in relation to the sentencing of offenders who import or deal in drugs on a commercial basis. That policy is that offenders will receive condign punishment to mark the peculiarly heinous and antisocial nature of the crime of drug trafficking".

What can be said on Miss Galante's behalf? We must say at once that Mr. Crane has said all that he could possibly have said. But we can see no alternative to a prison sentence. We can only wonder at a mother who spends £50 a week socialising, selling dangerous drugs whilst she does so, while her children are left at home. Granted her life has been very sad but she has received for the considerable number of drugs a large amount of money; the drugs having a value of £16,000.

There are factors in mitigation, but however we look at it, it is drug dealing on a large scale. Mr. Crane actually said in his address that she had decided to "give up the trade". This is the first time that this expression has been used in this Court and we now see that it is entirely and dreadfully apposite.

The Solicitor General has taken ten years as the starting point. In Campbell the Court said that in any case of trafficking up to the gravity of the case of Fogg (possession with intent to supply 1,000 tablets of LSD) the appropriate starting point would be between 7 and 12 years. The Court said that would depend on the amount and value of the drugs involved.

The Solicitor General has deducted one-third for the guilty plea; the limited co-operation; the fact that Miss Galante to some extent wrote her own indictment; and the previous offences on her record which are relatively minor. That, in the learned Solicitor General's opinion, deserved a further credit of one year. Overall, she recommended five years. I have to say that the learned Jurats are minded to follow neither that course nor the course recommended by defence counsel because this was trafficking in a large amount over a very short period and therefore the sentence is increased.

Miss Galante, will you stand up, please. The conclusions are as follows: on count 1, you are sentenced to six years' imprisonment; on count 2, you are sentenced to two years' imprisonment, concurrent; on count 3, you are sentenced to six years' imprisonment, concurrent; on count 4, you are sentenced to 3 months' imprisonment, concurrent; on count 5, you are sentenced to two years' imprisonment, concurrent, making a total of six years' imprisonment. We further order the forfeiture and destruction of the drugs.

Authorities

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

A.G. -v- Gilmour (14th June, 1996) Jersey Unreported.

A.G. -v- Burke (24th January, 1996) Jersey Unreported.