

ROYAL COURT
(Samedi Division)

204.

7th November, 1997

**Before: F.C. Hamon, Esq., Deputy Bailiff, and
Jurats Gruchy and Quérée**

The Attorney General

- v -

John Charles White

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

Age: 44.

Plea: Guilty.

Details of Offence:

Defendant travelled from Poole with motor car. Stopped by Customs Officers at Ferry Terminal. Package found in spare tyre in boot of the defendant's car - found to contain 9.833 kilos of cannabis resin - value £55,513. Defendant maintained that he was bringing the drugs into Jersey having been approached by a man in the U.K. who paid him £750 to make the trip. The defendant needed the money to purchase a wheelchair for his terminally ill wife.

Details of Mitigation:

Plea of guilty. Defendant's wife terminally ill at time of offence and had subsequently died while the defendant was in custody. Defendant unable to attend wife's funeral. Children aged 12 and 17 left effectively orphaned. Defendant also in poor health.

Previous Convictions:

None.

Conclusions:

2½ years' imprisonment.

Sentence and Observations of the Court:

Conclusions granted. Court could not depart from Campbell guidelines. Drugs ordered to be forfeited and destroyed.

**D.E. Le Cornu, Esq., Crown Advocate.
Advocate J.D. Melia for the accused.**

JUDGMENT

THE DEPUTY BAILIFF: On Saturday, 19th July, 1997, at approximately 8 o'clock in the evening White arrived at the Queen Elizabeth II Ferry Terminal in a black 'Mercedes' car. He gave customs officers a 'cock and bull' story about visiting his wife's aunt in St. Clement. A drug detector dog eventually helped in the discovery of cannabis with a street value of £55,513 hidden in the spare tyre.

White will not say who supplied him with the drugs nor with the £750 given to him as payment for the trip to Jersey. He will not say who was to collect the tyre. Whether he knows names or not is irrelevant because he would not divulge names for fear of his family's safety. We can understand his concern when this Court, over the last two weeks, has heard evidence in one case of a serious stabbing resulting from a drug deal that went wrong, and in another of a young man giving evidence of his brother having had his leg broken with an iron bar as he could not meet a drug debt. Drugs are perniciously dangerous, not only for those who use them, but also those who, for whatever reason, are foolish enough to bring them into Jersey. We have to remind ourselves that there were drugs sufficient for 2,775 individual deals and that this was probably a test run to see how vigilant our very efficient customs officers were.

Having regard to the case of Campbell, MacKenzie & Molloy -v- A.G. (1995) JLR 136 CofA, the amount of cannabis in this case was 9.8 kilos and 6 years is clearly the correct starting point.

There are, however, personal circumstances surrounding this case which are, perhaps, unique. This Court used all its available powers to attempt to find some means for the accused to attend his wife's funeral after she had died of cancer. The matter was unresolved because of the conflict of supervision that arose between two jurisdictions. He has clearly suffered from that and there is concern for his mental health. We have a very carefully prepared probation report and, following the death of his wife, he is left with two children, aged 17 and 12. He has not, apparently, been able to comfort them since her death. He is a first offender. However we act in a spirit of mercy, we must make it clear that we will not depart from the guidelines of the Court of Appeal in Campbell. We believe that the Crown has taken all the matters into account that it possibly could and therefore, White, you are sentenced to 2½ years' imprisonment. We further order the forfeiture and destruction of the drugs.

Authorities

Rawlinson -v- A.G. (1993) JLR 1 CofA.

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

A.G. -v- McCrum (14th March, 1997) Jersey Unreported.