

A.G. -v- Raymond Dante Price

24th June, 1985.

Superior NumberImportation of cannabis and possession of cannabis with intent to supply.

BAILIFF: "The Court is unanimously of the opinion that the conclusions should be granted and that they are not a day too long. I will now give the reasons of the Court but first I want to make a general remark. Everybody knows that all western countries are under threat from the invasion of drugs. It is a threat which is probably as grave as any other threat affecting western countries and also there are strong reasons for thinking that addiction to cannabis can in some cases lead to an addiction to hard drugs.

The Royal Court, is in no doubt, therefore, that it has a duty to continue to take the firmest possible stand against the importation of drugs, whether of the hard drug kind or whether, as in this case, of cannabis. We have been referred to the sentencing policy in the United Kingdom, and it has been suggested to us that perhaps in the United Kingdom since the publication of the second edition of Thomas' Principles of Sentencing, there has been a slightly more lenient sentencing policy in relation to drug offences. We note that the Arumah case, which was referred to us and which laid down guide lines in the United Kingdom in relation to all types of drugs, was dated 1982 and we think that it is quite possible that the pendulum has begun to swing back again to the type of sentences which are referred to in Thomas. However that may be, Jersey has its own sentencing policy which in some cases is more severe than that of the United Kingdom and the separate sentencing policy of the Royal Court has been recognised by the Court of Appeal. We are therefore entitled to take, if we wish, a more severe view than may perhaps be taken in the United Kingdom (if it is a more severe view, we are not sure).

Now in this particular case, looking at the facts, we have noted that Price was a first offender. We also accept that he was a courier. We accept that because of the contents of the notes which were found in the blue envelope which he carried, accept that he was acting as a courier between his mother and a person called "J". We also accept that there is no evidence that he would have obtained much profit from his conduct as a courier and to that extent, therefore, he is in a

somewhat different category from the person who imports drugs into the Island which he has himself acquired in England for resale in Jersey with, obviously, the consequence that he will keep all the profits. That we take into account as we believe the Solicitor General has also. Of course, it is often the case that a person chosen as a courier is indeed a first offender and he is chosen in the hope either that because of his appearance he will not be searched or that if he is caught he will have the sympathy of the Court because he is a first offender. Now the courts in England, and the Royal Court today, wish to make it quite clear that people who act as couriers are going to be severely sentenced, because it is all too easy for those who traffic in drugs to choose as a courier somebody who it is hoped will have the sympathy of the Court. This Court has no sympathy with couriers. It has been put to us that Price was in a difficult situation because it was his mother who asked him to act as a courier. We have to say that that is not, in our view, a mitigating factor. If it were it would all too easy for people who traffic in drugs to choose their children to act as couriers and so obtain the sympathy of the court. As regards the question of the admission of his mother's involvement, we have noted that that admission came only after Price's sister had identified the writing. We have taken into account the mitigating factors, that Price was a first offender, and that he was acting only as a courier. On the other hand, we also have noted that he was carrying almost the largest amount of cannabis ever to have been detected by the police and Customs, with a street value of some £5,000 and as such was adding to the evil of drug taking in this Island. It is the duty of this Court to use its powers to try to stamp out the importation of drugs, whether hard or soft, into this Island.

Therefore, under all those circumstances, the Court has no hesitation in imposing a total sentence of 30 months, and the Court hopes that it will be made quite clear by this sentence to all who attempt to act as couriers that that is the sort of sentence that they can expect to receive if they bring in these sort of amounts. To some extent, of course, the sentences will vary according to the amounts, but this was a comparatively large amount for Jersey, four pounds of cannabis with a street value of £5,000. We think that 30 months imprisonment for that amount is not a day too long. Therefore, Price, you are sentenced on count 1 to 30 months imprisonment, and on count 2 to 2 years imprisonment concurrent, making a total of 30 months.