

**ROYAL COURT**  
(Superior Number) 203.

23rd November, 1992

**Before: The Bailiff, and Jurats**  
**Vint, Myles, Bonn, Orchard,**  
**Hamon, Gruchy, Herbert.**

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**The Attorney General**

- v -

**Christopher Richard Johnson**

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Sentencing, following guilty plea before the Inferior Number on 20th November, 1992, to:

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

**AGE:** 26.

**PLEA:** Guilty.

**DETAILS OF OFFENCE:**

Defendant arrived on the Island on a flight from Stansted on Thursday, 30th July 1992. An initial search of his baggage revealed a knife stained with cannabis. When the Customs Officers informed the defendant that they intended to conduct a personal search he produced two packages of amphetamine sulphate from his underpants. A more detailed search revealed another package of what was said by the defendant to be amphetamine sulphate and he admitted that he had hidden approximately 5 oz. of the drug in his rectum. In the course of the next 24 hours bowel motions on the "drug loo" produced further packages and all of these contained powder which was subsequently confirmed by the Official Analyst as amphetamine sulphate weighing 269.98 gms. Street value (at £18 per gram) of £4,859. The defendant admitted in interview after caution that he had purchased 10 oz. of the drug for £800 from a supplier in Peterborough and that he hoped to sell it over the course of several weeks for approximately £2,000 in order to raise money for the medical treatment of his girlfriend.

**DETAILS OF MITIGATION:**

Defendant was co-operative once initial search had revealed possession of drugs. Had formed steady relationship with girlfriend and intended to marry. Obtained catering qualifications whilst serving a 5 year prison sentence.

**PREVIOUS CONVICTIONS:**

Johnson had a lengthy list of previous convictions including one seven years ago for the possession of Class 'B' drugs.

**CONCLUSIONS:**

2 years' imprisonment.

**SENTENCE AND OBSERVATIONS OF THE COURT:**

2½ years' imprisonment (by a majority of the Jurats). The Court indicated that to the extent that A.G. -v- Davies suggests that no distinction is to be drawn between importation of Class 'A' and 'B' drugs for sentencing purposes, it is not to be relied upon.

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**A.R. Binnington, Esq., Crown Advocate.**

**Advocate R.J.F. Pirie for the accused.**

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**JUDGMENT**

**THE BAILIFF:** Looking at the level of sentencing imposed by this Court in respect of Class 'A' drugs and Class 'B' drugs, it is clear to us that there is a clear distinction to be drawn between a Class 'A' drug and a Class 'B' drug. And to the extent that the case of A.G. -v- Davies (10th September, 1992) Jersey Unreported, indicated to the contrary, we think that that decision is not to be taken as meaning that there is no distinction in sentencing policy to be made by this Court between Class 'A' and Class 'B' drugs.

We have looked at this case and its facts. It was a clear importation for gain. This Island is at risk when people regard it as a suitable place to import and sell drugs.

The Court has carefully examined your background, as set out by your counsel as completely and as frankly as was expected of him, and we are divided. Therefore by a majority you are sentenced to 2<sup>1</sup>/<sub>2</sub> years' imprisonment.

**Authorities**

Schollhammer -v- A.G.; Reissing -v- A.G. (14th July, 1992) Jersey  
Unreported C.of.A.

A.G. -v- Davies (10th September, 1992) Jersey Unreported.

A.G. -v- Toone and McNally (24th September, 1992) Jersey  
Unreported.