

**ROYAL COURT**  
**(Superior Number) 78,**

21st June, 1993

**Before: The Bailiff, and Jurats**  
**Vint, Blampied, Hamon, Gruchy,**  
**Le Ruez, Herbert, Rumfitt.**

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**The Attorney General**

- v -

**Richard Charles Stead**

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**Sentencing, following guilty plea before the Inferior Number on 28th May, 1993, to:**

- 3 Counts of** being knowingly concerned in the fraudulent evasion on 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; (Counts 1 - 3 of the indictment).
- 1 Count of** supplying a controlled drug (cannabis resin), contrary to Article 5 of the Misuse of Drugs (Jersey) Law, 1978; (Count 4).
- 1 Count of** possession of a controlled drug (cannabis resin), with intent to supply, contrary to Article 6(2) of the 1978 Law; (Count 5).
- 5 Counts of** possession of a controlled drug, contrary to Article 6(1) of the 1978 Law; (Counts 6 & 7: cannabis resin; Count 8: cocaine hydrochloride; Count 9: M.D.M.A. [ecstasy]; Count 10: amphetamine sulphate).
- 1 Count of** violently resisting a police officer in the execution of his duty; (Count 11).

**AGE:** 20.

**PLEA:** Guilty.

**DETAILS OF OFFENCE:**

Importation of 26 kilogrammes of cannabis on three occasions within about three months. Accused admitted supplying street dealers. Street value estimated at £145,000. Class A drugs in small quantities for personal use. Two importations occurred whilst on bail for charge of possession of cannabis.

**DETAILS OF MITIGATION:**

Lack of parental guidance; very fine swimmer who represented the Island; intelligent but had had too much freedom; immature, anxious, tense person with low self-esteem; guilty plea and admission of offences.

**PREVIOUS CONVICTIONS:**

None.

**CONCLUSIONS:**

Counts 1 - 5: 5 years' imprisonment (concurrent) on each count;  
Counts 6 & 7: 1 month's imprisonment (concurrent) on each count;  
Counts 8 & 9: 1 year's imprisonment (concurrent) on each count;  
Counts 10 & 11: 1 month's imprisonment (concurrent) on each count.  
Total: 5 years' imprisonment.

**SENTENCE AND OBSERVATIONS OF THE COURT:**

Conclusions granted. Court accepted starting point to be 7 years and mitigation of youth, lack of record and guilty plea applied.

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**W.J. Bailhache, Esq., Crown Advocate.  
Advocate Mrs. S. Sharpe for the accused.**

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**JUDGMENT**

**THE BAILIFF:** It is clear to this Court that the Court of Appeal in the case of Rawlinson -v- A.G. (19th January, 1993) Jersey Unreported C.of.A., supports the sentencing policy of the Full Court and indeed has indicated there that, following the decision in Aramah (1982) 4 Cr.App.R.(S.) 407, it might be necessary in due course to increase the starting point in cases of this nature.

We have taken into account what Mr. Bailhache has said in relation to the top limit and we accept that the starting point in this case should be 7 years' imprisonment.

We therefore had to ask ourselves whether we should allow more than the 2 years which the Crown has allowed by way of mitigation and any other factors mentioned by counsel for the accused.

We have had regard to his youth, but that matter was mentioned in Aramah. We have taken account of the fact that he has no previous record and we have taken full account of his guilty plea without which, it is true, the prosecution could not have brought the counts of importing 7 and 3 kilos respectively of cannabis resin.

However, we find it impossible to say that the total of 5 years' imprisonment asked for - and that really concerns the main counts - is excessive or in any way offends a sense of justice. I have this to say about the word "harsh" which appears to be used to describe the sentencing policy of this Court as opposed to the English Courts. In the opinion of this Court we are prepared to be strict, perhaps severe, but not harsh. Harsh is something which imports a degree of injustice and this Court seeks to do justice, not to be unjust.

Under all the circumstances, therefore, we think the conclusions are right. We cannot overlook the fact that the large amounts that were imported were for distribution; there is clearly and unhappily a ready market. These amounts added measurably to the unlawful drugs already being distributed to users in Jersey, and did much damage to young people who used them - though we cannot tell how much.

We have come to the conclusion that 5 years' imprisonment is right and you are sentenced as asked for by the Crown; Count 1: 5 years' imprisonment; Count 2: 5 years' imprisonment concurrent;

Count 3: 5 years' imprisonment concurrent; Count 4: 5 years' imprisonment concurrent; Count 5: 5 years' imprisonment concurrent; Count 6: 1 month's imprisonment concurrent; Count 7: 1 month's imprisonment concurrent; Count 8: 12 months' imprisonment concurrent; Count 9: 12 months' imprisonment concurrent; Count 10: 1 month's imprisonment concurrent; Count 11: 1 month's imprisonment concurrent. There will also be an order for the forfeiture and destruction of the drugs.

Authorities

Rawlinson -v- A.G. (19th January, 1993) Jersey Unreported, C.of..  
Aramah (1982) 4 Cr.App.R.(S.) 407.