

ROYAL COURT
(Samedi Division)

12th July, 1993

87.

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

The Attorney General

- v -

Mark John Pringle

Sentencing, following remand to Superior Number after guilty pleas before Inferior Number on 18th June, 1993, to:

- 1 count of being knowingly concerned in the fraudulent evasion of a prohibition on the importation of goods (Diamorphine), contrary to Article 77(b) of the Customs and Excise (General Provisions) (Jersey) Law, 1972; (count 1 of the indictment);
- 2 counts of possession of a controlled drug, contrary to Article 6(1) of the Misuse of Drugs (Jersey) Law, 1978; (count 2: Diamorphine; count 3: cannabis resin).

AGE: 27.

PLEA: Guilty.

DETAILS OF OFFENCE:

Customs Intercepted 5 grms. of heroin coming into Jersey by post. Controlled delivery effected and Pringle arrested. Search of his premises additionally revealed heroin debris and 5 grms. cannabis. Heroin value (uncut) £600. Cannabis value £50.

DETAILS OF MITIGATION:

Residual mitigation for youth. Major (one-third) allowance for guilty plea, even though entered late in the day on the main charge.

PREVIOUS CONVICTIONS:

One for possession of cannabis (present offences placed him in breach of the probation order imposed on that occasion in the Magistrate's Court).

CONCLUSIONS:

3 years 6 months plus 18 months concurrent plus 6 months concurrent = 3 years 6 months.

SENTENCE AND OBSERVATIONS OF THE COURT:

Conclusions granted. Peacock and Dolgin applied. On an importation related offence the assertion that the drugs were for personal use is not material mitigation. The gravamen of the offence is the increase made to the stock of illicit drugs within the jurisdiction.

C.E. Whelan, Esq., Crown Advocate.

R.G. Morris for the accused.

JUDGMENT

THE BAILIFF: The importation of a Class A drug into Jersey is a serious matter. The Court has said on many occasions that it is immaterial whether the drug is for personal use or not. It adds to the quantity of illegal drugs in the Island.

The Court asked the Probation Officer, Mr. Gleeson, to give evidence, and to be subject to cross-examination - in the event there was none - as to whether he had properly recorded what in fact had been said to him by you, Pringle. We are satisfied that he did accurately record it and therefore the Court has considered the Probation Report as a full and proper report of what you told the officer.

The prosecution has made, in the Court's opinion, sufficient allowance for such mitigating circumstances as there are: your relatively young age and the guilty plea; but at the same time the Court has noted that you were in breach of a probation order, imposed in the Magistrate's Court, when you committed these offences, and we have also noted that the Crown has not asked for a further sanction in respect of the earlier offences but merely that the Probation Order be discharged. Therefore we cannot find that the conclusions are wrong in any particular and you are sentenced as asked for by the Crown to a total of 3 years and 6 months' imprisonment. There will be an Order for the forfeiture

and destruction of the drugs and the Probation Order is discharged.

Authorities

Dolgin (1988) 10 Cr.App.R.(S.) 447.

A.G. -v- Peacock (10th February, 1989) Jersey Unreported.

A.G. -v- Ellis (1st July, 1988) Jersey Unreported.

A.G. -v- Hervey (7th October, 1988) Jersey Unreported.

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