

ROYAL COURT  
(Samedi Division)

27.

13th February, 1995

Before: The Deputy Bailiff and Jurats  
Coutanche, Myles, Bonn, Orchard, Hamon,  
Gruchy, Le Ruez, Vibert, Herbert and  
Rumfitt.

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The Attorney General

- v -

Gary William Rayson

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Sentencing by the Superior Number of the Royal Court, to which the accused was remanded by the Inferior Number, on 6th January, 1995, following guilty pleas to:

2 counts 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 (count 1 of the indictment: cannabis resin; count 2: herbal cannabis).

AGE: 30

PLEA: Guilty.

DETAILS OF OFFENCE:

Accused was recruited to go to Amsterdam in order to import drugs to Jersey. He took delivery of two large packages which he secreted in his luggage when returning on the Carteret boat to Gorey. When packages discovered, he forthwith admitted he had cannabis. He was to receive £4,000.00. Street value between £40,607.00 and £42,076.00. Exact amounts of drugs were 6.03 kilograms cannabis resin and 1.02 kilograms herbal cannabis.

DETAILS OF MITIGATION:

Candid and cooperative from the outset. Recent unemployment; difficult financial straits. Recovering from nervous breakdown; matrimonial difficulties - worried about access to his children. Remorse. First offence.

PREVIOUS CONVICTIONS: None.

CONCLUSIONS:

Count 1: 4 years' imprisonment  
Count 2: 4 years' imprisonment, concurrent.

SENTENCE OF THE COURT: Conclusions granted, (unanimous)

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S.C.K. Pallot, Esq., Crown Advocate  
Advocate S.J. Crane for the accused

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JUDGMENT

5 THE DEPUTY BAILIFF: Rayson is 39 years of age, he was born in Jersey,  
and has no previous convictions. On Saturday, 24th September,  
1994, he travelled from Gorey to Carteret by the Trident passenger  
boat. From Carteret he took a taxi to Granville and then a train  
10 to Amsterdam. There he was met and taken to a house by a man  
calling himself John. He was given approximately 6 kilogrammes  
of cannabis resin and 1.02 kilogrammes of herbal cannabis. On  
his return to Jersey he was stopped and arrested by Customs at  
Gorey and searched. When the cannabis was discovered on his  
15 person he said "I was just picking it up for someone else; all the  
expenses were paid". It appears that upon his return to Jersey  
he was to go back to his home and await a telephone call when he  
would receive further instructions. Prior to leaving Jersey,  
Rayson admitted to receiving money to the value of £936.

20 The Crown has told us that the street value of the drugs is  
estimated to be between £40,607 and £42,076 though, of course,  
street value is of little value if the level of drugs imported  
into Jersey causes the street value to drop.

25 When we approach sentencing, this Court reminds itself that it  
is primarily concerned to protect members of the public, and  
particularly the more vulnerable members of the public, from the  
pushing of drugs which are harmful to the community. That seems  
to us to be the mischief which the legislature intended to  
suppress.

30 Rayson is a drugs courier whose motive was to earn himself the  
£4,000 that had been offered to him. There is little in those  
circumstances that will, in our view, help him in mitigation. He  
had full knowledge of what he was doing. If he had succeeded he  
would have added to a major problem in this jurisdiction by  
increasing significantly the stock of illicit drugs. He pleaded  
35 guilty on 3rd November, 1994. He renewed his plea of guilty to  
the present indictment on 6th January, 1995.

40 This is an importation by a single courier of a large quantity  
of drugs. Couriers think little of the harm that they are doing.  
They are, as we have said and as in this case, motivated by greed.  
Mr. Crane has said everything that could be said for his client.  
It may well be that couriers are chosen because of their  
vulnerability. Certainly the personal decline of the accused is  
tragic but he stood to gain a substantial sum with little thought  
of the consequences. He is, after all, the father of susceptible  
45 children.

As the Crown Advocate has clearly pointed out, the Court in  
Aramah (1982) 4 Cr.App.R.(s) 407, gave guidance, where it said:

5 "Importation of very small amounts for personal use can be  
dealt with as if it were simple possession which we will deal  
with later. Otherwise importation of amounts up to 20  
10 kilogrammes of herbal cannabis or the equivalent in cannabis  
resin or cannabis oil, will, in all save the most exceptional  
cases, attract sentences of between 18 months and 3 years  
where the lowest range is reserved for pleas of guilty in  
cases where there has been small profit to the offender.  
15 The good character of the courier, as he usually is, is of  
less importance than the good character of the defendant in  
other cases. The reason for this is it is well known that a  
large scale operator looks for couriers of good character and  
for people of a sort which are likely to exercise the  
20 sympathy of Courts if they are detected and arrested.  
Consequently, one more frequently finds students and sick and  
elderly people are used as couriers for two reasons. First  
of all they are vulnerable to suggestion and vulnerable to  
the offer of quick profit and, secondly, it is felt that the  
Courts may be moved to misplaced sympathy in their case.  
25 There are few, if any, occasions when anything other than  
immediate custodial sentence is proper in this type of  
importation."

25 That judgment was reviewed in Rawlinson -v- A.G. (19th  
January, 1993) Jersey Unreported C.of A., and applied in A.G. -v-  
Bate (22nd November, 1993) Jersey Unreported. We do not need to  
go into those two cases, they have been covered fully by the Crown  
Advocate this morning.

30 Mr. Crane asks us to reduce the sentence recommended to 3<sup>1</sup>/<sub>2</sub>  
years, the Crown recommended 4 years. Rayson, this Court is  
unanimous that you should be sentenced to 4 years imprisonment and  
we order the forfeiture and destruction of the seized drugs.  
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Authorities

Aramah (1982) 4 Cr. App.R.(S) 407.

Rawlinson -v- A.G. (19th January, 1993) Jersey Unreported C.of A.

A.G. -v- Bate (22nd November, 1993) Jersey Unreported.

A.G. -v- Campbell (15th September, 1994) Jersey Unreported.