

ROYAL COURT
(Samedi Division)

209.

21st November, 1997

Before: Sir Philip Bailhache, Bailiff, and Jurats
Le Ruez and Quérée

The Attorney General

-v-

Dean Cameron,
James Dwyer,
Thomas William Panton.

DEAN CAMERON

- 1 count of possession of a controlled drug, with intent to supply it to another, contrary to Article 6(2) of the Misuse of Drugs (Jersey) Law, 1978:
Count 1 : cannabis resin.
- 1 count of possession of a controlled drug, contrary to Article 61 of the Misuse of Drugs (Jersey) Law, 1978:
Count 2: cannabis resin.

Age: 36.

Plea: Guilty.

Details of Offence:

9.83 kilos (street value £56,622) was delivered to a garage under the control of Dwyer. Within minutes Cameron arrived and took possession of 4.93 kilos and departed with the cannabis in a holdall. He was arrested shortly afterwards whilst still in possession. Dwyer took 1.46 kilos in a carrier bag and, at a street corner, handed this over to Panton. Panton was arrested shortly afterwards whilst still in possession. The balance of 3.44 kilos was found in the garage at Dwyer's premises.

Details of Mitigation:

Cameron was offered £500 to act as a delivery boy. His rôle was therefore comparable with that of Panton. There was no evidence he had played a wider part. The conclusions did not distinguish Cameron sufficiently from Dwyer. It was coincidental that Cameron happened to arrive within minutes of the delivery of the cannabis to the garage. Although he had a previous conviction for drug importation, this was a very long time ago. He had been co-operative over the question of a Confiscation Order and the realisation of proceeds.

Previous Convictions:

Several including one for importation of LSD to the UK and possession.

Conclusions:

- Count 1 : 3 ½ years' imprisonment.
- Count 2 : 1 month's imprisonment, concurrent.
- Starting point : 5 years.

Sentence and Observations of the Court:

Conclusions granted. The Court had to determine the extent to which each defendant was concerned in drug trafficking. Starting points were accepted and the Crown had, if anything, been generous in its allowance for mitigation.

JAMES DWYER

- 1 count of possession of a controlled drug, contrary to Article 6(1) of the Misuse of Drugs (Jersey) Law, 1978:
Count 3 : cannabis resin.
- 1 count of possession of a controlled drug, with intent to supply, contrary to Article 6(2) of the Misuse of Drugs (Jersey) Law, 1978:
Count 4 : cannabis resin.
- 1 count of supplying a controlled drug, contrary to Article 5(b) of the Misuse of Drugs (Jersey) Law, 1978:
Count 5 : cannabis resin.
- 1 count of being concerned in supplying a controlled drug, contrary to Article 5(c) of the Misuse of Drugs (Jersey) Law, 1978:
Count 6 : cannabis resin.

Age: 43.

Plea: Guilty.

Details of Offence:

9.83 kilos (street value £56,622) was delivered to a garage under the control of Dwyer. Within minutes Cameron arrived and took possession of 4.93 kilos and departed with the cannabis in a holdall. He was arrested shortly afterwards whilst still in possession. Dwyer took 1.46 kilos in a carrier bag and, at a street corner, handed this over to Panton. Panton was arrested shortly afterwards whilst still in possession. The balance of 3.44 kilos was found in the garage at Dwyer's premises.

Details of Mitigation:

Dwyer's rôle was not the essential one portrayed by the Crown. References were produced to show that he was a model tenant that had helped the elderly mother of the landlord. He had given up work in 1993 because of a painful illness and took cannabis to ease the pain. He therefore came into contact with street dealers and a man who he was scared of had asked him to look after a package. He was not in a position to refuse. He merely looked at the package but was not present when Cameron took his portion. He then simply delivered part of the consignment to Panton. He was not a main player but a mere custodian coupled with a delivery boy. Starting point was too high and should be reserved for the prime mover in relation to that quantity of drugs.

Previous Convictions:

Some previous convictions but none for drug offences.

Conclusions:

Count 3 : 1 month's imprisonment.
Count 4 : 4 years' imprisonment, concurrent.
Count 5 : 4 years' imprisonment, concurrent.
Count 6 : 4 years' imprisonment, concurrent.
Starting point : 6 years.

Sentence and Observations of the Court:

Conclusions granted. The Court had to determine the extent to which each defendant was concerned in drug trafficking. Starting points were accepted and the Crown had, if anything, been generous in its allowance for mitigation.

THOMAS WILLIAM PANTON:

- 1 count of possession of a controlled drug, with intent to supply, contrary to Article 6(2) of the Misuse of Drugs (Jersey) Law, 1978:
Count 7 : cannabis resin.

Age: 31.

Plea: Guilty.

Details of Offence:

9.83 kilos (street value £56,622) was delivered to a garage under the control of Dwyer. Within minutes Cameron arrived and took possession of 4.93 kilos and departed with the cannabis in a holdall. He was arrested shortly afterwards whilst still in possession. Dwyer took 1.46 kilos in a carrier bag and, at a street corner, handed this over to Panton. Panton was arrested shortly afterwards whilst still in possession. The balance of 3.44 kilos was found in the garage at Dwyer's premises.

Details of Mitigation:

Panton was a mere delivery boy and his activity was at the lower end of the scale. Motivated by financial need. He had been offered £100 simply to deliver a packet from 'A' to 'B'. He was co-operative from the start in that he admitted his part whilst not disclosing names. He had no previous drug trafficking offences.

Previous Convictions:

Some previous convictions including one for possession of cannabis resin.

Conclusions:

Count 7 : 15 months' imprisonment. Starting point 2 ½ years' imprisonment.

Sentence and Observations of the Court:

Count 7 : conclusions granted. The Court had to determine the extent to which each defendant was concerned in drug trafficking. Starting points were accepted and the Crown had, if anything, been generous in its allowance for mitigation.

**The Attorney General.
Advocate J.C. Gollop for D. Cameron.
Advocate S.E. Fitz for J. Dwyer.
Advocate J.C. Gollop for T.W. Panton.**

JUDGMENT

THE BAILIFF: The Court has to determine the extent to which defendants who come before the Court charged with drug trafficking offences are concerned in the drug trafficking activity.

The Court has given very careful consideration to all the submissions made both by the Attorney General and by counsel for the defendants and has reached the conclusion that the starting points arrived at by the Attorney General are correct. The Court also considers that the Attorney General has, if anything, been generous in the allowance which he has made for the mitigation which exists in the case of each defendant and the conclusions are accordingly granted.

Cameron, on count 1, you are sentenced to 3 ½ years' imprisonment; on count 2, you are sentenced to 1 month's imprisonment, concurrent, making a total of 3 ½ years' imprisonment.

Dwyer, on count 3, you are sentenced to 1 month's imprisonment; on count 4, you are sentenced to 4 years' imprisonment; on count 5, you are sentenced to 4 years' imprisonment; on count 6, you are sentenced to 4 years' imprisonment, all concurrent, making a total of 4 years' imprisonment.

Panton, on count 7, you are sentenced to 15 months' imprisonment, and we make an order for the forfeiture and destruction of the drugs.

Authorities

Campbell, Molloy, Mackenzie -v- A.G. (1995) JLR 136 CofA.