

COURT OF APPEAL

7

20th January, 1992

Before: Sir Godfray Le Quesne, Q.C., (President),
Sir Patrick Neill, Q.C., and
S. Kentridge, Esq., Q.C.

Her Majesty's Attorney General

- v -

Brian Capple

and

Robert Edward Hailwood.

Appeal against sentence of 3 years' imprisonment imposed on each appellant on 4th December, 1991, by the Royal Court (Superior Number), following guilty plea to one count of conspiracy to import a controlled drug (3 years); one count of conspiracy to supply a controlled drug (3 years concurrent).

Miss S.C. Nicolle, Crown Advocate.
Advocate J.F. Pirie for Capple.
Advocate S.A. Meiklejohn for Hailwood.

JUDGMENT

THE PRESIDENT: We have given careful consideration as will have been gathered from the time which we have spent upon it, to everything which has been said to us in this case, and we should like to make it clear that all points which could properly be urged on behalf of the appellants have been urged by their counsel.

Having taken those matters into consideration we are inevitably left with this position. This was an offence of the importation into Jersey, for reward, of a very dangerous substance. The use of drugs such as ecstasy is well-known to be a prevalent and growing problem here. And that very fact offers a temptation to people in England and elsewhere to try to bring these substances in.

We add the weight of this Court to statements which have already been made by the Royal Court that in those circumstances those who import or attempt to import these substances into Jersey as a commercial venture must, in spite of youth and previous good record, anticipate severe punishment.

Having considered the whole case in this way we see no justification for interfering with these sentences and the appeals will therefore be dismissed.

Authorities

A.G. -v- Fogg (8th April, 1991) Jersey Unreported C. of A.

A.G. -v- Pockett (16th April, 1991) Jersey Unreported.

A.G. -v- Wakeling & Driscoll (23rd April, 1990) Jersey
Unreported.

Hurren (1990) 90 Cr. App. R.60.

Martinez (1984) 6 Cr. App. R.(S) 364.

Faluade (1989) 11 Cr. App. R.(S) 156.

Olumide (1988) 9 Cr. App. R.(S) 364.