

ROYAL COURT

26th March, 1992 50.

Before: The Bailiff, and  
Coutanche, Vint, Myles, Bonn,  
Orchard, Hamon, Le Ruez,  
Vibert, Herbert & Rumfitt

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HM Attorney General

- v -

John Alan Welsh

and

Rachel Paula Welsh, née Haslam.

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Rachel Paula Welsh, (née Haslam)

2 Counts of importation of controlled drug, contrary to Article 23 of the Customs and Excise (General Provisions) (Jersey) Law, 1972.  
(Counts 1 and 2 of the indictment).

**PLEA:**

Guilty.

**DETAILS OF OFFENCE:**

Accused made the run Jersey-Manchester-Jersey to pick up drugs - 200 ecstasy tablets and 415 mg. cannabis - all contacts and financial arrangements made by husband. Was stopped at airport and on being challenged admitted drugs in underclothing and taped to inside of her foot. She was due to earn £500 as her share of the profit.

**DETAILS OF MITIGATION:**

No previous convictions. Full of remorse and had tried to kill herself since date of charge. Unstable background and upbringing. Committed offence as dilemma and eventually only to protect her husband - maybe because she had a better chance of success.

**PREVIOUS CONVICTIONS:**

None.

**CONCLUSIONS:**

3 years.

**SENTENCE AND OBSERVATIONS OF THE COURT:**

Probation for three years with 240 hours community service. Court said accused was equally to blame with her husband and that she deserved to go to prison. However, as an act of mercy, the sentence would be as above.

**John Alan Welsh**

1 Count of being concerned in the importation of a controlled drug contrary to Article 23 of the Customs and Excise (General Provisions) (Jersey) Law, 1972.  
(Count 3).

1 Count of supplying controlled drug, contrary to Article 5 of the Misuse of Drugs (Jersey) Law, 1978.  
(Count 4).

**PLEA:**

Guilty.

**DETAILS OF OFFENCE:**

Accused made arrangements for wife to fly to Manchester to collect drugs, which she did, and which she tried to land in Jersey by secretion in underclothing. Accused was the 'driver' of the offence as he had the contacts. The admitted intentions was to resell the drugs at a rave in November, 1991. Done for gain - anticipated profit £2,500 - £3,500.

**DETAILS OF MITIGATION:**

No previous drugs offences; now full of remorse particularly for trouble to his wife and their children (ages 6, 4 and 2). Unsettled upbringing.

**PREVIOUS CONVICTIONS:**

Many for small-time offences: theft, traffic and public order. None for drugs.

**CONCLUSIONS:**

3<sup>1</sup>/<sub>2</sub> years' imprisonment.

**SENTENCE AND OBSERVATIONS OF THE COURT:**

No exceptional circumstances and the Court would impose a custodial sentence - but adjusted downwards to 3 years' imprisonment.

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**W.J. Bailhache, Esq., Crown Advocate.**  
**Advocate A.D. Robinson for the defendants.**

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**JUDGMENT**

**THE BAILIFF:** John Alan Welsh, you must have known that what you did would have a bad affect on young people. You did it for gain and the Court can find no reason to depart from its usual practice that there should in these cases be a sentence of imprisonment unless there are exceptional circumstances and there are none so far as you are concerned.

Having regard to the general level of sentencing in the past, however, the Court is going to make a small reduction and accordingly you are sentenced to three years in respect of your counts.

You, Rachel Welsh, were involved with your husband in this and you bear just as much responsibility. We cannot find that there are exceptional circumstances for you. You made it quite clear in the question and answer interview that you were equally to blame but we have acceded to your counsel's request for clemency and it was for that reason alone and the fact that you are a first offender and all the other matters your counsel mentioned that we are going to exercise our discretion and not send you to prison. That is not to say that you do not deserve

to go there, but because of the special circumstances, not exceptional in the legal sense but as an act of clemency, I repeat, you will be placed on probation for three years, you will do 240 hours of community service and those are to be completed within twelve months. The drugs to be forfeited and destroyed.

Authorities

AG -v- Carr & Feeney (11th February, 1992) Jersey Unreported.

AG -v- Nicolas & Charles (30th May, 1991) Jersey Unreported.

AG -v- Schollhammer (28th February, 1992) Jersey Unreported.

AG -v- Kramer (16th March, 1992) Jersey Unreported.