

ROYAL COURT  
(Samedi Division)

113.

16th June, 1997

Before: F.C. Hamon, Esq., Deputy Bailiff, and Jurats  
Gruchy, Le Ruez, Vibert, Herbert, Rumfitt,  
Potter, Jones, Quérée.

The Attorney General

- v -

Kenneth Evans,  
Elaine Margaret Evans,  
Christopher Wayne Snooks.

Sentencing by the Superior Number of the Royal Court to which the accused were remanded by the Inferior Number following guilty pleas entered by Christopher Evans and by Elaine Margaret Evans and a not guilty plea entered by Christopher Wayne Snooks, on 7th March, 1997, and following conviction of Christopher Wayne Snooks by the Inferior Number, *en police correctionnelle*, on 21st May, 1997, on the following charges:

KENNETH EVANS

1 count of being knowingly concerned in the fraudulent evasion of the prohibition on the importation of a controlled drug, contrary to Article 77(b) of the Customs and Excise (General Provisions) (Jersey) Law, 1972:  
Count 1 : cannabis resin.

Age: 41

Details of Mitigation:

Apart from two convictions for drink driving offences for which he was fined, K. Evans had no previous convictions. First serious offence. Full discount of 1/3 for guilty plea and fact that this avoided need to call some 20 witnesses from United Kingdom. (13 Sussex Police Officers and 7 other non compellable, witnesses). Found himself in financial difficulty through no fault of his own. Entrapped in pernicious drugs trade by money lending shark from whom Evans had borrowed £5,000 to use as working capital for second hand car business he was setting up. Did not pack drugs in Fiesta. Regret. Remorse. Family life destroyed. Lost house and all possessions. Gave himself up.

Previous Convictions: None

Conclusions: 3 years', 8 months' imprisonment.  
Crown took starting point of 7 years for K. Evans, deduction of 1/3 for guilty plea, further reduction of 1 year for good character and all other mitigation.

Sentence and Observations of the Court: 4 years' imprisonment.

**ELAINE MARGARET EVANS**

1 count of being knowingly concerned in the fraudulent evasion of the prohibition on the importation of a controlled drug, contrary to Article 77(b) of the Customs and Excise (General Provisions) (Jersey) Law, 1972:

Count 2 : cannabis resin.

1 count of supplying a controlled drug, contrary to Article 5(b) of the Misuse of Drugs (Jersey) Law, 1978:

Count 3 : cannabis resin.

Age: 40

**Details of Mitigation:**

No previous convictions. Positive good character. Plea of guilty. Gave evidence on behalf of the prosecution at Snooks' trial. Full co-operation with regard to two Question and Answer interviews. Also assisted police in disclosing whereabouts of husband. Subservient wife used by manipulative husband. Conduct since arrest has been exemplary. (including assistance in setting up mother and baby Sunday visits at HM Prison).

Unable to see daughter aged 3 since February 1997 as visits were so distressing for daughter.

Contrition and genuine remorse.

**Previous Convictions:** None

**Conclusions:**

Count 2 : 2½ years' imprisonment.

Count 3 : 2½ years' imprisonment, concurrent.

Crown took starting point of 4 years for E. Evans, deduction of 1/4 for guilty plea (she had been observed by surveillance officers) and further 6 months for character and other mitigation.

**Sentence and Observations of the Court:**

Count 2 : 2 years' imprisonment.

Count 3 : 2 years' imprisonment, concurrent.

(impassioned plea in mitigation; assistance as prosecution witness.)

**CHRISTOPHER WAYNE SNOOKS**

1 count of being knowingly concerned in the fraudulent evasion of the prohibition on the importation of a controlled drug, contrary to Article 77(b) of the Customs and Excise (General Provisions) (Jersey) Law, 1972:

Count 6 : cannabis resin.

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 7 : cannabis resin.

Age: 26

**Details of Mitigation:**

No previous convictions. Positive good character. Asks Court to consider disparity with K. Evans (even allowing for Evans guilty plea).

Previous Convictions: None

Conclusions:

Count 6 : 5½ years' imprisonment.

Count 7 : 5½ years' imprisonment, concurrent.

Crown took starting point of 6 years for Snooks with 6 months reduction for character.

Sentence and Observations of the Court: Conclusions granted.

Details of Offence: (All three accused)

Kenneth Evans and Snooks were involved in the importation into Jersey of 11.80kg of cannabis resin (street value £67,968.00) 5.87kg of the drugs was concealed in small packages behind the rear interior panels of a red Fiesta car driven to the Island by the co-accused, the late Mr. Kenneth Hammond. The remaining quantity of drug (5.93kg) was contained in similar packages within a black holdall in the red Fiesta. Elaine Evans acting on her husband's instructions purchased a holdall, took delivery of the red Fiesta from Hammond in Jersey and drove the vehicle to a car park where she was observed by undercover police officers to remove the rear interior panel of the Fiesta and then transfer packages to a green holdall. She then drove to another car park where she met Snooks. Snooks removed the black holdall from the red Fiesta (of which Elaine Evans had no knowledge) and was handed the green holdall by Elaine Evans. Snooks took possession of both holdalls and put them in the rear of his vehicle. Snooks in the prosecution version of events then made a call to a local telephone number (at his trial Snooks denied making any local calls but stated that he had attempted, unsuccessfully, to contact K. Evans in England).

K. Evans made and paid for the travel arrangements to Jersey for the late Mr. Hammond claiming falsely that the trip was a surprise for his father-in-law. He also paid for his wife's trip to the Island. Elaine Evans, also acting on her husband's instructions paid £200 in ash to Hammond in England prior to the trip to Jersey. In mitigation, K. Evan's counsel stated that K. Evans had known that cannabis was to be shipped in the red Fiesta only two days before the scheduled departure date and that the cannabis was packed in that vehicle by the late Hammond and another man whom Evans refused to identify.

In mitigation Snooks' counsel stressed that Snooks' involvement was less than that of K. Evans.

*[Co-accused KENNETH THOMAS HAMMOND was charged with one count of being knowingly concerned in the fraudulent evasion of the prohibition on the importation of a controlled drug, contrary to Article 77(b) of the Customs and Excise (General Provisions) (Jersey) Law, 1978; count 4 : cannabis resin; and 1 count of supplying a controlled drug, contrary to Article 5(b) of the Misuse of Drugs (Jersey) Law, 1978; Count 5: cannabis resin. The prosecution against him was adjourned sine die on account of his serious illness and following his death was formally abandoned on 2nd May, 1997].*

P. Matthews, Esq., Crown Advocate.  
Advocate R.J. Renouf for K. Evans.  
Advocate P.C. Harris for Mrs. E.M. Evans.  
Advocate S.E. Fitz for C.W. Snooks.

JUDGMENT

THE DEPUTY BAILIFF: In this trial Kenneth Evans and his wife Elaine Evans pleaded guilty on 7th March, 1997. They have been awaiting sentence since that time whilst Christopher Snooks, their co-

accused, was awaiting trial on a plea of not guilty. Snooks was found guilty after a three day trial in May.

5 In Campbell, Molloy and MacKenzie -v- AG (1995) JLR 136  
CofA, the Court of Appeal said that "*a courier who knowingly transports illegal drugs must be taken to accept the consequences of his actions*". It requires us to establish a starting point for these offences which is appropriate to the gravity of the offence and then our duty is to consider what mitigation applies and to  
10 make all allowances for that before arriving at the sentence.

The offences all arise out of the same matter. It is complex and we will not analyse the facts here. Suffice it to say that the cannabis weighed 11.80 kg. and had an estimated street value  
15 of £67,968. This was a sophisticated and carefully planned drugs run. It is, perhaps, fortunate that it was doomed to failure but that is because of intense surveillance by a very efficient police drugs squad.

20 We have listened carefully to the explanations given and certainly all three accused were essential to the success of the run and we have no doubt that, had they succeeded, in one way or another they would have continued with further runs to make an attack against this community for no other reason than their  
25 personal gain.

Campbell, Molloy and MacKenzie gives us guidelines for drug trafficking involving 10 - 30 kg. of cannabis with a starting point of ten years. The amount in question in this case allows us  
30 to take a starting point of approximately seven years. The guilty plea, of course, of two of the accused is valuable: we saw that from the number of witnesses that had to be called at Snooks' trial.

35 Dealing first with Evans, we feel that he was more involved and of course has not named his supplier. The guilty plea allows a one-third discount and it has to be said that he has no previous record for drugs offences and has co-operated. His remorse is genuine, although we have to say that his statement to a Probation  
40 Officer that, as the father of children, he is against the use of illegal drugs strikes us as pure hypocrisy. We are concerned that Evans could have allowed his wife and small child to go off on a drugs run knowing the danger they ran without telling Mrs. Evans what the car contained. We are, as we have said, concerned about  
45 the involvement of Evans; therefore, stand up, Evans, please: for the purposes of this trial we sentence you to four years' imprisonment.

50 Elaine Evans was also deeply involved in the drugs run and we recall, as we must, how she sat in the rear of the car and removed the heavy packages of cannabis from the side panelling, putting them into the hold-all before she drove the car on to another car

5 park and delivered the contents to Snooks. In our view nobody could have been so naive at that point as to believe that there was anything other than drugs in the consignment. The Court who sat on the Snooks case had the opportunity to feel the weight of the drugs in question. Mrs. Evans' involvement is part of the chain but is certainly not on the scale of her husband. Because she only knew of the one bag - and the prosecution accepts that explanation and we think perhaps that that is fortunate - she moves into the 2 - 6 year band.

10 Mrs. Evans was also acting under her husband's instructions and Mr. Harris has made a most impassioned plea on her behalf. The Court has deliberated long and hard over Mrs. Evans and we feel that in her case a reduction is called for but we cannot go as far as Mr. Harris urged upon us because of the guidelines of the Court of Appeal. Taking into account the time that she has already spent in prison we will sentence her to two years' imprisonment.

20 Snooks has had a three day trial and I have to say that, having sat through that trial, there appeared to be little substance in the defence arguments. That, of course, does not mean that it affects sentencing but it does mean, unfortunately, that by his plea of not guilty he does not have the benefit of the one-third discount available to his co-accused. Therefore, on 25 that basis, we can take a starting point slightly lower than Evans - that of six years - and he is also less involved but we think that the details of mitigation given by the Crown are correct and we sentence you, Snooks, to 5½ years' imprisonment on counts 4 and 5. We order the forfeiture and destruction of the drugs.

Authorities

Campbell, Molloy and MacKenzie -v- AG (1995) JLR 136 CoFA.