

**ROYAL COURT
FULL COURT**

9 December 2019

**Before: Judge J R Finch OBE, Judge of the Royal Court and:
Stephen Murray Jones OBE, Claire Helen Le Pelley,
Margaret Ann Spaargaren, Jonathan Grenfell Hooley, Steven John Morris,
Alan Stevenson Boyle, Marilyn Jasmine King, Paul Martin Burnard, Jurats.**

THE LAW OFFICERS OF THE CROWN

- v -

Jade Ebony BALLER

Crown Advocate C G Dunford appeared for the Crown

Advocate M P Priaulx appeared for the Defendant

JUDGE OF THE ROYAL COURT:

Background

You appear here today for sentence on an Indictment containing one count of unlawfully importing the controlled drug cannabis resin. The maximum penalty is 21 years. The case was properly referred to this Court via the Court of Alderney.

You are a 25 year old person, originally from England now resident in Alderney. You were unemployed for around 7 years and you are of previously good character. You have indicated an early guilty plea and have been on unconditional bail throughout.

This was a postal importation of around 14 grams, local street-value here of between £280 - £420. We note the incriminating messages between yourself and the supplier.

Sentencing Considerations

This was an importation offence. Postal importations of controlled drugs are treated seriously, due to the misuse of the postal system, so that is an aggravating factor.

You will be aware that we are bound by guidelines issued by the Guernsey Court of Appeal which we are obliged to comply with.

Accordingly, on considering the amount and in the light of the guidelines and the aggravating factor of the misuse of the postal service, we start at 3½ years' imprisonment. This takes the postal importation into account, as I have said, and the amount involved.

Mitigation

Your previous good character is substantial mitigation to which we give full effect. Also, despite the strong evidence we need to give some allowance for your early guilty plea.

We have carefully listened to what your Advocate has said on your behalf and read the Probation report. Also your letter and the other written material.

All in all, and each case has to be assessed on its own individual facts, we afford you a full discount of over two-thirds in all the circumstances that we have set out.

Sentence

We have heard about your very difficult early life and all the problems you had. That, sad though it is, only goes so far. Lots of people have had hard lives, some indeed harder than yourself, but they don't break the law. We also note that, after a long period, you are doing some work and are keen to carry on working, which is good for everyone. You also have the care of your two small children. You are not much use to them if you are clapped inside.

Taking everything fairly into account, and on the particular facts, accepting that this was a misconceived personal use offence – and we emphasize that normally, that plea fails, we pass the sentence.

You have got a duty as a citizen to comply with the laws passed by the States whether they coincide with your opinions or not, or face the consequences. You have put yourself in danger of an immediate sentence of imprisonment. As stated, whatever the result, the Court of Alderney was right to send this case here in view of the potential seriousness and we reiterate again, because it is a very important point, that postal importations are viewed unsympathetically by the Courts of the Bailiwick.

The sentence is one we pass on the facts and it is not to be treated as a precedent. Sentencing cases are of limited use as precedents unless guideline cases and that is not the case here. It reflects your considerable personal mitigation - and we also are bound to point out that sentencing is not an exercise carried out only in the interests of the defendant. In all the circumstances, the sentence of the Court is 12 months' imprisonment; and that will be suspended for a period of 2 years - and we make the Confiscation and Destruction Orders as requested. But do anything wrong in the next 2 years, which carries imprisonment, whether its drugs or anything else, you will be back here and you will be locked up. But you are getting a chance now to get on with your life. You are getting the one chance and it is a fair one, but don't blow it, do you understand?

Judge J R Finch OBE
Judge of the Royal Court

9th December 2019