

(43)  
159

21st October, 1986

Superior Number

A.G. -v- David Andre McConnachie

**DEPUTY BAILIFF:** The Court is determined to maintain its policy that those who deal in drugs for profit shall be subject to substantial custodial sentences. We are quite satisfied vis-a-vis McNamee, McConnachie was a wholesale distributor further up the scale than McNamee who was essentially a retailer. A more substantial sentence is thus called for. We have no hesitation in distinguishing this case from those of Bouchard and Yates - both were police informers. In this case McConnachie, although not an importer, chooses to hide the identity of a local wholesaler who supplied him with 3lb 5 oz of cannabis. That goes a very long way to negative the mitigation. The Court cannot accept the so called 'ethics'. This Court has said that it has its own sentencing policy on drugs which is more severe than that of the United Kingdom and we must look at the case of Arumah in that light but even in that case the small wholesaler comes at the top of the bracket of 1 - 4 years. We have given anxious consideration to the case of Price because at first glance, as an importer, his sentence should exceed that to be passed here but Price was a first offender, which is very strong mitigation, whereas McConnachie does have a previous conviction for an offence involving drugs. Price was a courier only to deliver the drugs for his mother to the real purchaser. He was not in the business of selling drugs which McConnachie certainly was. Price was a courier for his mother who faced prosecution in England whereas again McConnachie choses to protect his supplier. We consider that those factors justify the same total sentence in both cases. Accordingly, the conclusions are granted and McConnachie you are sentenced on count 1 to 30 months' imprisonment; on count 2 to 18 months' imprisonment concurrent; on count 3 to 12 months' imprisonment concurrent making a total of 30 months' imprisonment and the Court orders that the drugs be forfeited and destroyed.