

JERSEY / JUDGMENT

AG v Allo [2020] JRC 134 (08 July 2020)

[2020] JRC 134

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JUDGMENT

THE BAILIFF: 1. You are to be sentenced today for 7 Counts, all drug related, ranging from possession with intent to supply of MDMA crystals to possession of herbal cannabis. We do not need to set out the background in any detail, as this has been clearly explained by the Crown in the statement of facts that has been read out in Court. 2. Your arrest came about as a result of a search of your home address where not only was significant amount of drugs found but there was a significant amount of drugs paraphernalia including scales, wrappings and a bulking agent. Given the purity of the MDMA this is highly indicative that you were preparing it for supply and dealing at street level. 3. We have considered the provisions of the Criminal Justice (Young Offenders) (Jersey) Law 2014 which tells us that we should only sentence you because of your age to a period of Youth Detention if we are satisfied that no other method of dealing with you is appropriate, and if, as is relevant for our purposes today, your offending or the totality of the offending is so serious that a non-custodial sentence cannot be justified. 4. The Crown has drawn our attention to the case of the AG -v- Gill

[2018] JRC 196 in which the Court said: " and it is also important to add this, if we have reached any other view then we would of exposed lots of other young people at 17 or 18 to have been targeted by drugs dealers as potential low grade intermediate drugs dealers themselves". 5. The Court in that case indicated that it was important to send a message that this was a serious matter and we agree. We conclude that this case falls within a category of seriousness that a non-custodial disposal is not appropriate, the offending is significant relating to a significant amount of drugs and actions on your part preparing those drugs for onward sale. Accordingly, a custodial sentence is inevitable. 6. We think however, that the Crown's assessment of the appropriate starting point is somewhat too high and in our view the amount would justify a 10½ years' imprisonment by way of a starting point for the MDMA crystal. We think the assessment of 7 years for the tablets is correct. 7. We have taken the mitigation available to you into account. We note your guilty plea. We note your good character in the sense of a lack of previous convictions, and we note the very strong and positive references that have been provided on your behalf, and the remorse that you have shown which we take to be genuine. 8. We have noted your work record and of course we have taken into account to a very significant extent your youth and the contents of the social enquiry reports which explain much of the background to this offending. We consider these cumulatively to be substantial items of

mitigation which enables us to take the view as to sentence of that we have taken. 9. In our view therefore, the correct sentence in this case is with regard to Count 1, 4 years Youth Detention, Count 2, 3 years' Youth Detention concurrent, Count 3, 6 months Youth Detention concurrent, Count 4, 6 months Youth Detention concurrent, Count 5, 6 months Youth Detention concurrent and Count 7, 6 months Youth Detention concurrent making a total of 4 years Youth Detention. 10. We make a declaration of benefit in the sum of £14,160.00 as invited by the Attorney General under the confiscation provisions and a confiscation order which you did not oppose, in the sum of £2,926.06. 11. We order the forfeiture and destruction of the drugs and drugs paraphernalia seized in this case. Authorities Misuse of Drugs (Jersey) Law 1978. Proceeds of Crime (Jersey) Law 1999. Criminal Justice (Young Offenders) (Jersey) Law 2014. AG -v- Gill

[2018] JRC 196 Rimmer v AG

[2001] JLR 373 Bonnar v AG

[2001] JLR 626 Campbell v AG

[1995] JLR 136 AG v Cameron

[2008] JRC 182 Page Last Updated: 10 Aug 2020 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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