

JERSEY / JUDGMENT

AG v Bates [2020] JRC 180 (10 September 2020)

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JUDGMENT

THE DEPUTY BAILIFF: 1. Stephen Andrew Bates you are 39 years old and appear to be sentenced today for four drugs offences. Count 1 and Count 3 on the Indictment are offences of possession with intent to supply cocaine and Count 2 and Count 4 are offences of possession with intent to supply cannabis. 2. The first two counts relate to drugs found next to where the police arrested you after a short chase in St Helier at 11:15pm on 16 th February, 2020. You plainly ran from the police because you were in possession of controlled drugs. You were also in possession of digital scales and cash, so you were ready, it appears, to deal cannabis on the streets and there was cannabis found on the scales on your person. You refused to provide your address to the police during the booking in procedure, although the police established where you lived in St Helier. Counts 3 and 4 relate to drugs, including more cocaine and more cannabis, seized from your home the following day. The police also seized a kitchen knife with cannabis resin on the blade and other items associated with drug dealing. The total weight of the cocaine recovered came to 15.06 grams with a street value of between £1,360 and £1,700. The total weight of the cannabis seized was 178.92 grams with a street value of £2,655 and £3,540. According the total value of the drugs seized was between £4,015 and £5,240. 3. Drug related messages were found on your mobile phone. You pleaded guilty on the basis that the cocaine was to be consumed by you and two friends, both of whom would have paid you money for the drugs allocated to them. As to the cannabis, you were going to use some of the cannabis yourself and sell the rest in order to fund your own habit. 4. Cocaine is, of course, a Class A drug and is a dangerous drug. As to cannabis, we see from the evidence of the Crown's expert that he says that: "There are many negative effects of taking cannabis and there is considerable evidence to show that cannabis is an extremely harmful drug. Cannabis affects how your brain works and regular users can suffer from lethargy, poor memory, paranoia and panic attacks. As well as its link with schizophrenia, a single joint of cannabis deposits four times as much tar in the lungs as a cigarette (British Lung Foundation) and moreover, tar from cannabis contains 50% more cancer causing carcinogens than tobacco." 5. You have a number of previous convictions, including convictions for dealing in Class B and Class C drugs which led to a sentence of 18 months' imprisonment being imposed upon you by the Stafford Crown Court in 2004, and offences involving Class B and C drugs leading to a sentence of 2 years' imprisonment being imposed upon you by the same court in Stafford in

2005. Further, in August of last year, at Northampton Crown Court you were sentenced to a suspended sentence of imprisonment, coupled with a Community Service Order and other orders for an offence of driving a motor vehicle whilst under the influence of controlled drugs and dangerous driving. You committed these offences whilst subject to that suspended sentence.

6. We have read carefully the comprehensive Social Enquiry Report prepared in your case which speaks to a difficult childhood and a long history of abusing various substances, including controlled drugs and alcohol. The Court was encouraged to see that after your release from prison in 2006 that you went to university, you obtained a good degree in graphic communications and as recently as a few years ago you were running your own business which unfortunately failed. You came to Jersey, you say, to make a new start but it seemed that although you did obtain employment you failed to make a fresh start as yet again you have become heavily involved in the drugs scene - both as a user and a dealer. Anybody who deals in Class A drugs in Jersey knows they are likely to get caught and likely when caught to receive a lengthy prison sentence. You must have known the risk that you were running, particularly having regard to your previous convictions. Your Probation Officer says the risk of you offending again is high. 7. We have listened with care to what your counsel said on your behalf. There is no alternative to a custodial sentence in this case in the opinion of the members of the Court. Having regard to the quantity of cocaine we adopt a starting point of 8 years' imprisonment, which reflects the weight of the drugs and your role as set out in the basis of plea. We give you credit for your guilty plea and all that has been said on your behalf. We were impressed by your letter of remorse and we note that you wish to admit the past, move forward, rebuild your life and be successful again. We urge you to take advantage of the programmes which we know to be available in custody to assist you in tackling your long history of alcohol and drug abuse. 8. Accordingly, we do feel able to reduce to some extent certain of the conclusions advanced by the Crown and on Count 1 you are sentenced to 4 years and 9 months' imprisonment; Count 2, 12 months' imprisonment, concurrent; Count 3, 4 years and 9 months imprisonment, concurrent; Count 4, 12 months, again concurrent making a total of 4 years and 9 months imprisonment. 9. As declaration of benefit is made in the sum of £4,340, and a Confiscation Order is made in the sum of £660.31 10. We order the forfeiture and destruction of the drugs and paraphernalia. *Authorities Campbell v AG*

[1995] JLR 136 *Rimmer v AG*

[2001] JLR 373 *AG v Martin*

[2016] JRC 070B Page Last Updated: 30 Sep 2020 BAILII: [Copyright Policy](#) | [Disclaimers](#) | [Privacy Policy](#) | [Feedback](#) | [Donate to BAILII](#)

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