

JERSEY / JUDGMENT

# AG v Benyoucef [2019]

## JRC 124 (01 July 2019)

[2019] JRC 124

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### JUDGMENT

THE BAILIFF: 1. You are here charged on an Indictment which contains a number of counts in relation to drugs offences. The most serious is Count 1 which is the possession of MDMA powder with intent to supply. There are also charges of possession of cannabis, herbal and resin, again with intent to supply. 2. The facts were that the police found two black shoulder bags on the floor by your bed. One contained an amount of herbal cannabis, the second bag contained a British Airways travel bag which contained the MDMA powder and a small quantity of cannabis resin. There were 2½ MDMA tablets. On examination the cannabis resin was found to weigh 8.76 grams, the herbal cannabis 572.87 grams, the MDMA powder 30.49 grams. The investigating officers concluded that the herbal cannabis had a street value of between £11,440 and £14,300, the MDMA powder between £2,400.00 and £3,000. The tablets were valued at between £30 and £40 and the cannabis resin between £120 and £160. 3. As clearly you understand, the Court operates on a sentencing system which has been established at Court of Appeal level in the case of *Rimmer v AG*

[2001] JLR 373 in relation to Class A drugs, and we have considered what the starting point ought to be. We have reached the view that on that count the starting point should be 8 years' imprisonment, which is at the very bottom of that band. We have reached that conclusion having regard to your overall participation in drug trafficking and the basis of plea which you have entered and which the Crown has accepted. We have gone on to consider whether there should be a Valler uplift. Your counsel says that the quantities of cannabis are not significant and we agree with that and we are not going to apply any Valler uplift in relation to the cannabis charges. We also accept your counsel was correct in saying that there had been double counting by the Crown in its conclusions in suggesting that there should not only be a Valler uplift but also there should be a consecutive sentence. 4. So we come to consider what the mitigation is that you have and there is no doubt that the first item of mitigation which is an important one is your guilty plea and we take that into account. We have also taken into account the background which you have which is clearly troubling. We understand the point in relation to your parents, and we have noted that the convictions which you have may in fact make it difficult, if not impossible, for you to get into Morocco to find them in the future, and that is a piece of special mitigation in the

background circumstances that you have, that we have taken into account. We have also noted your good employment record and your references and that you are making constructive use of prison time. 5. Having regard to all those features we think the right sentence to impose in relation to Count 1 is 4 years' imprisonment, and in relation to Count 2; 6 months' imprisonment, concurrent. Count 3; 1 month's imprisonment, concurrent, Count 4; 1 month's imprisonment, concurrent, Count 5; 1 month's imprisonment, concurrent, Count 6; 1 week's imprisonment, concurrent. 6. As a result of your offending you are in breach of the Community Service Order which we will order to be discharged and we will impose 6 month's imprisonment, consecutive in its place. 7. You are sentenced to a total of 4 years and 6 month's imprisonment, based on the structure which I have just outlined. 8. I just want to add this to you. It is clear from what you have said to us in your letter and in the work that you are doing at the prison, that you do realise where you are in your life and you are a young man, you are 23 years old only. Your life is ahead of you and this will seem like a very long sentence, but there is still a long life after you and you can turn it around. What you need to do is to take this sentence constructively, apply it constructively, and you have that employment offer you hope, therefore when you come out. I do suggest you keep in touch with your prospective employer during your sentence, write him a letter from time to time, make sure he does not forget you, and there is something to look forward to and you can be positive about it and that is the way to look at this sentence. The fact is that the structure of sentencing and drug trafficking is there because it recognises drug trafficking is a serious offence and that is why you are getting the sentence you are. 9. The Court orders the forfeiture and destruction of drugs and utensils. Authorities *Rimmer v AG*

[2001] JLR 373 . *Valler v AG*

[2002] JLR 383 *Allardice v AG*

[2013] JCA 143 . *Campbell v AG*

[1995] JLR 136 . Page Last Updated: 08 Aug 2019 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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