

JERSEY / JUDGMENT

AG v Benyoucef [2024] JRC 286 (17 December 2024)

[2024] JRC 286

Source: bailii.org · Research copy typeset by Esheria. Not court-issued or certified.

JUDGMENT

THE BAILIFF: 1. You are to be sentenced today for being concerned in the supply of Class A and Class B drugs over the course of an 18 month period between February 2022 and July 2022. You are also being sentenced for assaulting two strangers in 2023 and for four motoring offences in August of that year and for resisting arrest. 2. We do not propose to go into the full details of your offending as this has been referred to in the summary of the facts just read out before the Court by the Crown. Suffice it to say that on the 21 July 2022 a member of the public alerted the Police to the presence of a suspicious carrier bag in the corner of a garden area of his driveway. 3. Officers attended and on inspection the following was found:- (i) 22.04 grams of cocaine, with 53% purity and a street value of between £2,880 and £5,280 (ii) 47 MDMA tablets, with a street value of between £940 and £1,410 (iii) 23 millilitres of THC with a street value of between £1,380 and £1,610; and (iv) 680.19 grams of cannabis resin with a street value of between £13,580 and £20,370. 4. A covert camera was placed in the driveway overlooking that location and you were seen to attend that area on the same day, the 21 July. Your fingerprints were also found on the bag and packages that held the controlled drugs. 5. As a result of this in August of that year, the officers attended at your home for the purposes of arresting you and conducting a search, and that search revealed 53.25 grams of herbal cannabis. In interview you answered "no comment" to questions about the bag and confirmed the person in the CCTV footage was you. 6. You also confirmed the cannabis found at your home was for your personal use. You declined to provide a PIN number on your mobile phone initially, although you did sign a bank disclosure authority and subsequently provided your PIN. An examination of the mobile phone contained messages demonstrating your active knowledge and participation in the supply of cocaine and MDMA, with references to the drugs being "stashed". Deal lists were found. You were further interviewed again and again answered "no comment" to questions relating to the bag. A further search was conducted at your home address and officers found a number of different items and receipts for items showing a total of £3,011.98 was spent between April and August 2022. 7. In a separate incident on the 28 May 2023 at the Watersplash Beach Bar on being denied access you threw a small bag to the ground which was recovered and found to contain 385 milligrams of MDMA and 721 milligrams of ketamine powder. You were once again interviewed under caution and told officers you could not remember much of the night because you were out for your birthday. You

had taken ketamine earlier in the night and was given the MDMA tablet by someone as a birthday gift. 8. On the 2 July 2023 at the Robin Hood Pub, officers attended in relation to a disturbance and on a search a small bag of white powder was found in your possession containing 711 milligrams of cocaine. In interview you suggested that those drugs had been put in your clothes by someone else. 9. We pause here to observe that you are to be sentenced today following a Newton Hearing, during the course of which you suggested that the various drugs contained in the bag were being minded by you for another person. The Court in rejecting that accepted the Crown's case that you were a dealer in these drugs. 10. Turning to the charges of assault on 29 April 2023 a friend and you went to St James Wine Bar and you were involved in a number of fights. You appear however, to have acted as a peacemaker for the majority of the interaction. 11. However, on one occasion you went on to carry out an unprovoked attack on two individuals who you and your friend had not met before. The matters were captured on CCTV and have been described to us during the course of this hearing. During the course of these altercations, you punched one of the victims in the face three times and slapped the other in the face. 12. Lastly, with regard to the motoring offences on the 27 August 2023 you failed a roadside breath test, as a result of which you were arrested on suspicion of drink driving, and on the officer in question taking hold of your arm you turned and ran away, before you could be handcuffed. You resisted that arrest refusing when caught to give your right hand so that it could be cuffed. You did not have a license to drive the vehicle that you were driving and the window insurance disc on it had the name of a different individual on it. You also refused to provide a sample of breath. 13. The Crown has cited to us the appropriate authorities relating to possession within intent to supply cocaine and MDMA, both Class A drugs. We do not need set the principles contained in those cases such as *Rimmer v AG*

[2001] JLR 373 and *Bonnar and Noon v AG*

[2001] JLR 626 as these are well known and often cited before this court. 14. Applying these cases and the guidance contained within them with regard to the 24.04 grams of cocaine, the starting point would be approximately 8 years. With regard to the 47 MDMA tablets the starting point would be approximately 7 years. With regard to the THC oil the Crown has not been able to identify cases setting out the approach to the trafficking of this substance, within the circumstances and given a more serious trafficking offences you are being sentenced for today the Crown is not seeking any uplift with regard to that. 15. Turning to the supply of cannabis and the guideline case of *Campbell v AG*

[1995] JLR 136 , the quantity of cannabis involved is below the lower level in the guidelines. We are able to have regard to the Magistrate's Court sentencing guidelines which of course are not in any sense binding on this court, but they indicate that a 12 month's imprisonment as a starting point based on a first-time offender entry a guilty plea. 16. As to the possession of the cannabis the same guidelines suggest a starting point of a fine for amounts close to the amount for which you are sentenced. As we have already indicated, there was a Newton Hearing in this case, it is clear you were in possession of significant quantities and the Crown has suggested that your involvement in drug dealing is such, that

of itself that should result in an uplift of a year. We do not agree with that approach, and we decline to make such an uplift in this case. We believe that the starting point reflects the criminality to an appropriate extent. 17. The Crown has also put before us the case of *Valler v AG*

[2002] JLR 383 dealing with the approach to be taken when an offender is involved in trafficking substantial quantities of more than one type of drug. In those circumstances, it is appropriate to apply an uplift and the Crown suggest the correct uplift should be applied to Count 3 relating to the supply of cocaine of 1 year. We agree with that approach, and we apply a *Valler* uplift in that regard. 18. We have also had put before us the sentencing limits for the simple possession of Class A drugs and Class B drugs for which you also fall to be sentenced. 19. With regard to the Second Indictment namely the assault, breach of the peace by fighting, resisting arrest, there are no victim personal statements and neither of the victims have sought to provide impact statements or anything of that nature. Clearly you were intoxicated, but this is far from the most serious offending of this nature. 20. You have a poor criminal record with eleven previous convictions from drug related offending, including two previous convictions for possession with intent to supply both cannabis and MDMA in respect of which you have already served sentences of imprisonment. 21. You have a number of previous convictions for violent offending and also indeed for motoring offending, similar to those which we are also dealing with today. You are assessed at a high risk of reoffending within a 12 month period and we note that you maintain that you were not involved in dealing drugs but merely minding them, notwithstanding the outcome of the Newton Hearing to which we have already made reference. 22. You do not with regard to the drugs, therefore, have the full benefit of any guilty plea. We have noted the contents of the Psychological Report and we have noted the recommendation that you should have access to therapeutic assistance. 23. We note you entered guilty pleas for all of the counts for on the Second Indictment. The Crown has suggested and we agree that you shall have full credit for those pleas. The Crown has noted and we also agree that your guilty pleas in connection with the drugs offending, although on a basis rejected by the Newton Hearing before the Court should attract some deduction. Nonetheless, the value of it cannot be the full value and must be somewhat reduced. 24. We note the following mitigation available to you. We note your remorse which we accept in this instance is a genuine statement. We note your expressions in the pre-sentencing report and otherwise and through counsel that you wish to change your life and improve your future, and not to live the same life that you have lived up to now, and we accept that and we hope very much that that would be the result. We know the difficulties in your background which are contained in the reports before us, and we give some credit for the guilty plea, somewhat more indeed than the Crown has suggested although certainly less one third. We also note the use that you have made of your time whilst in prison and we give you credit for that in reaching our ultimate sentence. 25. Lastly, we note the delay, which in our view is significant and which the Crown has rightly said is not of your making and accordingly we allow you credit for the delay as well. 26. Firstly, we make the orders under the Proceeds

of Crime (Jersey) Law 1999 as we are urged to do. The declaration of benefit is in the sum of £20,845 and the amount to be recovered is in the sum of £1,088 which is the value of a Gucci watch and therefore you would be required to pay that sum, or such value as may be realised from the sale of the watch whichever is the less or more than the value of the watch. 27. Turning now to the matters of sentence and taking all of the above into account, under the First Indictment possession with intent to supply cocaine, you are sentenced to 6 years and 3 months' imprisonment from a starting point of 9 years'. Count 4 possession with intent to supply THC, you are sentenced to 18 months' imprisonment. Count 5 possession with intent to supply MDMA you are sentenced to 6 years' imprisonment from a starting point of 8 years. Count 6 possession with intent to supply cannabis you are sentenced to 12 months' imprisonment. Count 7 possession of cannabis 1 month imprisonment. Count 10 possession of MDMA, Count 11 possession of ketamine and Count 12 possession of cocaine we impose in all the circumstances no separate penalty. All of the counts on the First Indictment will run concurrently making a total of 6 years' and three months imprison on the First Indictment. 28. On the Second Indictment you are sentenced on Count 1, assault on one individual 2 weeks imprisonment. Count 2, assault on the other individual 1 week imprisonment. Count 3 breach of the peace no separate penalty. Count 4 failing to provide a specimen of breath 1 month imprisonment and disqualification from driving for 2 years and requirement to retake a test. Count 5 driving without a licence, no separate standalone penalty but a disqualification from driving of 2 years and requirement to retake a test. Count 6, driving without insurance 1 month imprisonment with a disqualification from driving for 2 years'. Count 7 resisting arrest no separate penalty. Count 8 neglect of a traffic direction no separate penalty. Count 9 escaping lawful custody 1 weeks' imprisonment. 29. The periods of imprisonment on the Secondment Indictment to run consecutively, making a total of 3 months' imprisonment on the Second Indictment and a 2 year ban from driving with the requirement that you re-take the driving test before a license is issued to you. 30. The imprisonment counts on the Second Indictment run consecutively with those on the First Indictment making a total of 6 years and 6 months' imprisonment. 31. We order the forfeiture and destruction of the drugs and the mobile phone and we formally dismiss if that is required Counts 1 to 8 and 9 on the first indictment. Authorities *Rimmer v AG*

[2001] JLR 373 . *Bonnar and Noon*

[2001] JLR 626 *Campbell v AG*

[1995] JLR 136 *Valler v AG*

[2002] JLR 383 *Proceeds of Crime (Jersey) Law 1999 Misuse of Drugs (Jersey) Law 1978 Motor Traffic (Third Party Insurance) (Jersey) Law 1948 Road Traffic (Jersey) Law 1956* Page Last Updated: 08 Jan 2025 Back to top About JLII Accessibility Contacts Copyright Disclaimer Feedback Privacy policy Site map BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://www.bailii.org/je/cases/UR/2024/>

CASE PAGE <https://chat.esheria.ai/case-law/jersey/ag-v-benyoucef-2024-jrc-286-17-december-2024>

Prepared on 23 October 2026 · Esheria