

JERSEY / JUDGMENT

# AG v De Caires (Royal Court : Hearing (Criminal) : Temple) [2026] JRC 088 (31 March 2026)

[2026] JRC 088

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## JUDGMENT

THE DEPUTY BAILIFF: 1. On 19 February 2026 the Court sentenced the Defendant, Daniel De Caires, to a total of six years and nine months' imprisonment and a restraining order in respect of two indictments. The first indictment contained one count of possession with intent to supply a Class A drug, namely cocaine (Count 1) and two counts of being concerned in the supply of Class A controlled drugs, namely cocaine (Count 2) and MDMA (Count 3) (the "First Indictment"). The second indictment contained one count of harassment contrary to the Crime (Disorderly Conduct and Harassment) (Jersey) Law 2008 ("the 2008 Law") (the "Second Indictment"). We now give the Court's reasons. Second Indictment - Harassment 2. This took place over the period 12 July - 17 September 2024, causing substantial distress to the victim, [redacted]. In summary, it followed a brief intimate relationship and involved barraging the victim with messages and other behaviour despite it being made clear that the victim did not want any further contact with the Defendant and despite a warning from the police to him to desist. 3. On 12 July 2024 the Defendant attended at the victim's address uninvited at night throwing stones at her windows. Despite being told to leave he continued to ring the buzzer and shout from the street for an hour afterwards. He made multiple calls and sent numerous messages to her phone and sent offensive messages via WhatsApp. The victim subsequently blocked the Defendant on all platforms but then started getting multiple missed calls from a private number. 4. On 26 July 2024 the victim saw the Defendant in a nightclub and left early as he was repeatedly approaching her despite her telling him to leave her alone. The Defendant then turned up at the victim's home uninvited. She told him to leave her alone as she was with her mother and young son. The Defendant was continually pressing the buzzer and shouting at the windows asking her to come out. The mother also shouted to the Defendant to leave as her grandson was in bed. Nevertheless, the Defendant continued to shout at the victim for her to come out and continued to press the buzzer. By this time it was approaching 1 o'clock in the morning. The following day the Defendant contacted the victim again. She reiterated that she had asked him to leave her alone and that they were not in a relationship. She said - "the fact that you don't recognise that turning up at my house and calling me when I have blocked you is not okay, it is terrifying." 5. On 10 August 2024, whilst on a night out, the victim felt that the Defendant was following her. On 14 August 2024 the victim contacted

the police to report further unwanted contact after the Defendant followed her walking home from work and shouted offensively calling her a "dirty fucking slag". The victim asked the police for advice and the police then warned the Defendant not to contact her. Despite that warning the Defendant continued to contact the victim and, for example, called the victim 30 times. 6. On 31 August 2024 the victim contacted the police again to complain that the Defendant would not leave her alone. On 14 September 2024 the Defendant sent the victim approximately 120 messages within a 4-hour period. Between 15 and 17 September 2024 the Defendant called the victim 17 times and messaged her six times. Following this the victim changed her phone number which she had had for approximately 15 years. The Defendant was arrested and interviewed under caution on 17 September 2024. 7. The victim has submitted a Victim Personal Statement in which she outlines how vulnerable and anxious she feels because of the Defendant's behaviour, that she constantly worries that he is about to approach her and that she does not feel safe in her own home as the Defendant knows where she lives. She was signed off work initially due to stress and has sought assistance from a therapist due to the harassment. The victim now feels cautious while she is at social events. She states that she has turned down a job offer because of the impact of the Defendant's behaviour on her. 8. When this matter was first charged in the Magistrate's Court, the Defendant entered a guilty plea at the first opportunity having first been given leave by the Magistrate not to enter a plea to allow him to seek legal representation. First Indictment - drugs offences 9. On 23 August 2024, the police searched the Defendant's address and found approximately 9 grams of cocaine (Count 1 on the First Indictment) and one gram of MDMA. The cocaine was contained in individually wrapped snap seal bags and other bags were found containing residue of both MDMA and cocaine. Further, 7 mobile phones were seized together with two sets of weighing scales containing residue of both MDMA and cocaine together with £193 in cash. 10. The drugs expert opined that the total street value of the seized cocaine would be between £1,200 and £2,000 but the expert did not provide a valuation for any of the MDMA seized. 11. In an interview with the police the Defendant admitted to owning one of the mobile phones which was analysed forensically. Videos and photographs were found depicting controlled drugs and large amounts of cash. These relate to Counts 2 and 3 on the First Indictment. The drugs expert's evidence states that there are over 30 photographs depicting controlled drugs including MDMA and cocaine. The estimated valuation and amounts of all the drugs imaged, after taking into account duplicate images, is a total of in excess of 145 grams of cocaine, with a value of between £21,000 and £35,000; 28 MDMA pills with an estimated street value of £400 - £700; and over 150 grams of MDMA with an estimated street value of £9,000 - £12,000. 12. Analysis of message data indicated that the Defendant was a busy supplier of Class A drugs. The Crown has drawn our attention to a number of messages in which the Defendant either offers or responds to messages requesting the supply of controlled drugs including cocaine and MDMA. 13. The drugs offences were charged at the Magistrate's Court on 28 August 2025. The Defendant was allowed not to enter pleas to the drug charges but was ordered to indicate pleas by 11 September 2025, the Magistrate declining jurisdiction and remanding him on conditional bail. On 31 October 2025 when the drugs indictment was first presented in the Royal Court, the Defendant still did not indicate pleas and was still unrepresented. However, when the case was adjourned to a hearing on 14 November 2025, the Defendant entered guilty pleas to all three

drugs offences on the First Indictment. 14. The Defendant has no previous convictions and is treated as a man of previous good character. Pre-Sentence Report and the police investigation 15. The Pre-Sentence Report by the Probation Service reports that the Defendant did not accept full responsibility for harassing the victim over several months and that he did not accept that it should be considered as stalking behaviour. He maintained that he had suffered most and that he had been "used and abused" by the victim. As regards the drugs offences, the Defendant stated that the drugs were mainly for his own use, that he had made no financial gain and that the video found on his phone of a bag containing 95 grams of cocaine was fabricated or placed there by the police. 16. The Defendant was assessed as being at moderate risk of re-offending with risk factors being his associations with other drug misusers, his own misuse of illegal drugs and unwillingness to work with substance misuse professionals. Following an assessment for harm under the Spousal Assault Risk Assessment (SARA V3) the Defendant was assessed as being at a moderate to high risk of serious harm to any future intimate partner. The Report further records that the Defendant did not wish to undertake any interventions such as the Building Healthy Relationships or Engage programmes as he does not see himself as a perpetrator of domestic abuse, nor did he wish to speak with the prison's substance misuse counsellor. 17. As regards possible delays in the investigation, we do not consider that there was any significant delay in the charging of the harassment offence. The Court notes that the Defendant did not contact the victim between September 2024 and April 2025, albeit that by then the victim had changed her telephone number. As regards the drugs offences, the Crown accepts that there was a 6-month delay in obtaining a report from the official analyst in relation to the drugs and the Court has made a small reduction in the Defendant's sentence to reflect that delay. Harassment offence - categorisation and mitigation 18. At the time of the Defendant's offending, harassment was a statutory offence under the 2008 Law with a maximum sentence of two years and a fine. As regards categorising the harassment count, the Court reviewed the Jersey Magistrate's Court Sentencing Guidelines (which are not binding on the Royal Court) and agreed that the offending fell within the middle bracket of the offending, which Advocate Mière on behalf of the Defendant agreed with. The Court also considered that the following factors indicate a higher degree of culpability in this case:- (i) Stalking the victim by following her even when she made it clear that she wished to be left alone; (ii) Attending the victim's home address, a place where she should have felt safe, on more than one occasion during the early hours of the morning; (iii) The Defendant ignored warnings from the victim, her mother and from a police officer that he should desist. 19. The Court also considered that the victim had been caused a reasonably high degree of fear or distress based on the contents of her Victim Personal Statement (as summarised above), that there was some effect on others in that the victim's mother was at the property at the time of one of the incidents of harassment. The Court also noted that there is evidence that the victim has had to change her lifestyle to avoid contact in that she is extra-cautious at social events, she turned down a job offer because of the impact of the Defendant's behaviour, and changed her mobile telephone number of 15 years due to the unrelenting nature of the Defendant's contact with her through different means. 20. The Court also noted the comparator case identified by the Crown, AG v Mazurke [2024] JRC 293, in which the Defendant in that case was sentenced to 12 months' imprisonment in respect of a harassment count, albeit the Court considered that the

offending in Mazurke was slightly more serious than the offending in this case. 21. As regards mitigation, the Court noted that the Defendant has no previous convictions and that he entered an early guilty plea. Whilst the Pre-Sentence Report had demonstrated that the Defendant showed no remorse, saw himself as the victim in this case and demonstrated little insight, Advocate Mière on behalf of the Defendant said that the Defendant did feel bad about the effect of his actions on the victim. He said that the Defendant would like to apologise to the victim, albeit he knew that the victim wants nothing to do with him. 22. Advocate Mière did not have a difficulty with the Crown's proposed sentence of imprisonment for 6 months (reduced on account of totality), considered that it was appropriate that the sentence should be consecutive to those for the drugs counts on the First Indictment, and also had no objection to a restraining order under Article 8 of the Crime (Public Order) (Jersey) Law 2024 ("the 2024 Law") in the terms proposed by the Crown. He further submitted that the harassment would not have happened but for the problems that the Defendant had encountered with drugs and alcohol, which are summarised below in relation to the drugs counts. Drugs offences - starting points and mitigation 23. The Court has followed the approach set out in the guideline cases of *Rimmer v Attorney General*

[2001] JLR 373 concerning the trafficking of Class A drugs in powder form by reference to the weight of the drugs involved, the accused's role and, to a lesser extent, the value of the drugs. The Court has also followed *Bonnar v Attorney General*

[2001] JLR 626 in relation to the approach to sentencing cases concerning the trafficking of Class A drugs in tablet or unit form. 24. As regards the weight of the drugs, the Defendant was found in possession of approximately 9 grams of cocaine valued between £1,200 and £2,000 with intent to supply to others (Count 1). He was also concerned in the supply of at least 145 grams of cocaine (Count 2) valued at between £21,000 and £35,000. The Defendant was also found to be concerned in the supply of at least 150 grams of MDMA powder and 28 MDMA tablets (Count 3) valued between £9,000 and £12,000 in respect of the powder and £400 to £700 in respect of the tablets. 25. As regards the Defendant's role, the drug paraphernalia found at the Defendant's home together with the evidence found on his mobile phone indicate that the Defendant's role was that of a street-level dealer, supplying cocaine and MDMA in single gram deals. 26. The Court also considered whether to increase the starting point of the most serious count (Count 3) arising from the significant quantities of two different quantities of Class A drugs (cocaine and MDMA) in accordance with the approach in the case of *Valler v Attorney General*

[2002] JLR 383 and the summary set out by JA Clyde-Smith, Commissioner, in the case of *AG v Thurban & Ors*

[2020] JRC 212 at paragraphs 17 to 21. Given the significant quantities of both cocaine and MDMA in this case, the Court increased the starting point by a one year uplift in respect of Count 3 to take into account the significant amount of cocaine concerned in Count 2, as well as the cocaine in Count 1. Advocate Mière, on behalf of the Defendant, accepted that the uplift of one year could not sensibly be refused. 27. As regards the Defendant's mitigation

in respect of the offences on both indictments, Advocate Mière on behalf of the Defendant explained that the Defendant had started to go wrong on his 30th birthday when he had dabbled in drugs. Up until that point, he had been in continuous employment since he left school, working both as a qualified electrician and at the Hospital. He had close relations with his family, had helped the family finances on occasions and there was order and structure in his working and personal life. The Defendant had been in long-term relationships, including one for 6 years, without any issues. 28. However, about 3 years ago, the Defendant's father was diagnosed with dementia and his father was now in care. This had a bad effect on the Defendant. As a result of dabbling in drugs he got into debt and pressure was applied to him to deal in drugs. He did not get into drug dealing for financial gain. This was not a sophisticated operation and the use of alcohol and drugs were an unfortunate coping mechanism for the Defendant. 29. The Defendant had now spent some 5 months on remand in prison. This had been a shock to him and was instructive. He was surrounded by men whose lives had been ruined by drugs and he was now determined that he was not going to prison ever again. He had enhanced status in the prison, including a job, and looked for extra work. Advocate Mière noted that the Defendant had stated to the Probation Officer - "I recognise that I have made a huge, big mistake in my life and I will never get in trouble again. I have learned my lesson and hope that they can give me a chance to spend time with my dad ." 30. Whilst Advocate Mière accepted there were no exceptional circumstances to warrant a non-custodial sentence, he invited the Court to consider the recommendation of the Probation Officer to impose community service as an alternative to a custodial sentence in addition to a 9-month period of supervision by Probation. This was informative as Probation had seen something in him. Advocate Mière invited the Court to look collectively at the Defendant's previous good character, his early guilty pleas, his previous employment and secure accommodation. Advocate Mière also handed up a letter of apology and remorse from the Defendant. Sentence 31. The Court agreed with the Crown's conclusions that a sentence of imprisonment must be imposed in this case and with the suggested sentences of imprisonment moved for by the Crown in its conclusions. As regards the drugs offences in the First Indictment, the Court agreed with concurrent sentences in respect of the 3 counts with a Valler uplift to Count 3 with a reduction in the end point to reflect the principle of totality. The Court also agreed with the Crown that the harassment offence on the Second Indictment properly attracted a consecutive sentence of imprisonment given that it was separate to the drugs trafficking offences, albeit that it would be reduced to take account of both the Defendant's mitigation and totality. 32. The Court therefore sentenced the Defendant in relation to the First Indictment as follows: (i) Count 1 (possession of cocaine with intent to supply): 5 years' imprisonment (from a starting point of 8 years), concurrent with Count 3; (ii) Count 2 (being concerned in the supply of a Class A controlled drug, namely cocaine) - 5 years and 9 months' imprisonment (from a starting point of 11 years), concurrent with Count 3; (iii) Count 3 (being concerned in the supply of a Class A controlled drug, namely MDMA) - 6 years and 3 months' imprisonment (from a starting point of 12 years which includes a one-year Valler uplift but allowing for totality).

33. In respect of the harassment count in the Second Indictment, the Court sentenced the Defendant to 6 months' imprisonment (taking into account totality), consecutive to Count 3 on the First Indictment. 34. The total sentence of imprisonment is therefore 6 years and 9 months. Ancillary orders 35. As regards confiscation in relation to the drugs offences, the Defendant's Advocate had no objection in relation to the confiscation statement of the Attorney General. The Court therefore issued a confiscation certificate in accordance with Article 3 of the Proceeds of Crime (Jersey) Law 1999 by which the Court:- (i) Assessed the value of the Defendant's benefit from relevant criminal conduct to be in the sum of £31,793; (ii) Certified that the amount that might be realised is less than the value of the Defendant's benefit from the relevant criminal conduct; (iii) Determined that the amount to be recovered from the Defendant is in the sum of £193; (iv) Ordered that the Viscount shall be permitted to realise all assets in the Defendant's possession; and (v) Ordered that the recoverable amount, after deduction of the Viscount's reasonable fees and expenses, be paid into the Criminal Offences Confiscation Fund. 36. The Court ordered the forfeiture and destruction of the drugs and the drug paraphernalia seized from the Defendant's property, as well as the mobile phone used to make the drug trafficking arrangements but made no order for payment of costs by the Defendant given his circumstances. 37. The Court did not consider that it was appropriate to impose a domestic abuse protection order under Article 5 of the Domestic Abuse (Jersey) Law 2022 as it was not satisfied that the Defendant and the victim were sufficiently personally connected in accordance with Article 2 of the Domestic Abuse (Jersey) Law 2022. However, the Court did consider that it was appropriate to impose a restraining order under Article 8 of the 2024 Law. Whilst in custody the Defendant will not be able to harass the victim in person, but he may attempt to contact her through other means such as the postal service or via third parties, and he may attempt to contact her on his release from prison. Given the concerns set out by the victim in her statement, the Court was satisfied on the balance of probabilities to make a restraining order for the purposes of protecting the victim. It considered that the period of the restraining order should be increased to a period of 6 years (instead of 3 years suggested by the Crown) to provide a period of protection for the victim once the Defendant is released from prison, assuming that he is released early for good behaviour. 38. The Court therefore made a restraining order for a period of 6 years from the date of sentence that:- (i) The Defendant is prohibited from having any contact, whether direct or indirect, with the victim. (ii) The Defendant is prohibited from approaching or following the victim. (iii) The Defendant is prohibited from entering any part of the premises known to him to be the home address of the victim or loitering within 100 metres thereof. (iv) The Defendant is prohibited from entering any part of the premises known to him to be a place of work of the victim or loitering within 100 metres thereof. (v) Should the Defendant see or come into contact with the victim in any public or private place, he must immediately take action to avoid any breach of this Order. 39. The Court warns the Defendant that any breach of the above Order is an offence for which he is liable to be prosecuted and imprisoned for up to 5 years and to a fine. Authorities Crime (Disorderly Conduct and Harassment) (Jersey) Law 2008. Magistrate's Court Sentencing Guidelines. AG

v Mazurke

[2024] JRC 293. Crime (Public Order) (Jersey) Law 2024. Rimmer v Attorney General

[2001] JLR 373 . Bonnar v Attorney General

[2001] JLR 626 . Valler v Attorney General

[2002] JLR 383 . AG v Thurban & Ors

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