

JERSEY / JUDGMENT

AG v G [2018] JRC 166 (10 September 2018)

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JUDGMENT

THE DEPUTY BAILIFF: 1. You are to be sentenced for the importation of MDMA a Class A drug and possession of some Cannabis and some Ketamine. The total value of the MDMA in tablet and crystal form has a street value of between £9,715 and £12,725. You were to profit from that transaction. 2. It is clear that your activities were calculated and that it was to the large extent your operation and that your share of the profits was either total or significant. This is on any analysis a serious offence. 3. We note however the mitigation available to you. You have given the police significant information about your activities. You have pleaded guilty at the earliest opportunity although the evidence against you on the initial importation was strong. You did however, in effect write your own Indictment when it came to the MDMA Crystal and that is very significantly to your credit. 4. We note your remorse which we take to be genuine and we have considered your letter with great care. We also note that you have no previous convictions and of course we take your youth into account as affording you a substantial mitigation in the circumstances, especially to our mind as you were under 18 at the time of the MDMA Crystal importation. 5. We have read the references which speak exceptionally well of you and it seems inexplicable to all who know you how you fell into such stupid, dangerous and anti-social behaviour. You have already lost a bursary that was available to you and you have put in jeopardy what might be a promising career. 6. We have regard, as we must to the provisions of the Criminal Justice (Young Offenders) (Jersey) Law 2014 which provides at Article 4(2) that we should not pass a sentence of youth detention unless (and I leave out the irrelevant sections for our purposes) the offence or the totality of the offending is otherwise so serious that a non-custodial sentence cannot be justified. 7. We have accordingly given the most anxious consideration as to whether we can possibly stretch in your case to the imposition of a non-custodial sentence on the grounds that the circumstances are exceptional. 8. Now, I have to tell you that the decision of the Court has not been unanimous in this regard, however taking all of the available mitigation into account especially the contents of the Social Enquiry Report and the other documents before the Court we believe that we can on this occasion impose a non-custodial sentence. 9. Accordingly, you are sentenced as follows: Count 1; 312 hours' community service the equivalent of 2 years', Count 3, 384 hours' community service the equivalent of 2½ years', Count 4; 40 hours' community service the equivalent of 2 weeks'; Count 5; 40 hours' community service the equivalent of 2 weeks'. All to run concurrently, making a total of 384 hours' community service the equivalent of 2½ years'. 10. We order the forfeiture and destruction

of the drugs. 11. Now, let me give you a warning. Community service is difficult and you have been sentenced to a very substantial period of it. You will lose for a protracted period most of your weekends and other time as well. You will find it a challenge but we expect you to perform it impeccably. If you do not and if you come back before us you will be dealt with as someone who has failed in this opportunity and you must expect the Court will deal with you by way of imprisonment. Do you understand? Authorities Criminal Justice (Young Offenders) (Jersey) Law 2014. Valler v AG

[2002] JLR 383 Rimmer, Lusk and Bade v AG

[2001] JLR 373 Bonnar and Noon v AG

[2001] JLR 626 AG v Roslan, Whitcombe and Lagadu

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