

JERSEY / JUDGMENT

# AG v Godfrey [2022] JRC 111 (20 May 2022)

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## JUDGMENT

THE BAILIFF: 1. You are to be sentenced today in connection with your involvement in the supply of cannabis and cannabis resin, and for dealing with the associated proceeds of crime. On the 21 st May 2021, a drugs warrant was executed at your home address and a number of items were seized including quantities of herbal cannabis, cannabis resin, a set of scales and amounts in in cash. In total there were 483.22 grams of herbal cannabis, 97.50 grams of cannabis resin and £680 in cash. The value at street level for the herbal cannabis was between £2,425 and £3,395 and for cannabis resin between £14,490 and £19,320. Your mobile telephone was examined and it disclosed a number of messages which were obviously drug related, specifically to determine whether you able to supply cannabis or, in effect, offering on your part to supply it. 2. In interview you admitted being in the possession of the drugs found in your bedroom and gave certain answers relating to the presence of those drugs. You admitted that the cash found in your bedroom was a result of the sale of cannabis. In your second interview you confirmed that some of the payments received into your bank account were payments for cannabis, but you confirmed that usually got paid in cash and would get your cannabis " on tick ". 3. The Crown has referred us to the appropriate cases in assessing sentence. In Campbell v AG

[1995] JLR 136 the Court of Appeal laid down guidelines which indicate a staring point range of 2 to 6 years' imprisonment for quantities of between 1 and 10 kilos. These guidelines of course do not apply precisely to the quantities in this case, but we have regard to the quantity and value of the drugs and your role in their supply. It is clear from those items seized at your house that you were involved actively in the supply of cannabis and the telephone evidence suggests that you were involved in it for a significant period. You were proactive in arranging to deal drugs and you were dealing drugs for a profit. 4. Turning to the money laundering offences we agree, because of the link between the drugs offences and the laundering offence in this case, we have to have regard to the principle of totality and that is appropriate as the Crown suggests to deal with the laundering offence with a sentence that will run concurrently with the sentence for drug offences. We have considered the principles set out in AG v Goodwin

[2016] JRC 165 and we agree with the Crown's assessment of this offending against that guidance. 5. You are presently 19 years old and were between 16 and 18 at the time of the offending. Whereas a sentence of imprisonment is not therefore available, the sentence of youth

detention may be imposed where no other method of dealing with an accused is appropriate because it appears to the Court that only a custodial sentence would be adequate and the offence or the totality of the offending is otherwise so serious that a non-custodial sentence cannot be justified. And that is what we must consider in this case. 6. You have no previous convictions, and you have the benefit of early guilty pleas, and you appear to have been cooperative in interview, making frank admissions again against your interest. You have undoubtedly been advised that the Court's sentencing policy with regards to drug trafficking is justifiably strict and you should anticipate youth detention. We would certainly be entitled to apply such a custodial sentence in your case, and we agree with the Crown that the matter is indeed finely balanced. 7. We take into account however the mitigation that has been provided on your behalf including your work ethic, the behaviour that you have had since you were convicted, the personal mitigation which is reflected in the reports to which your counsel has made reference, the letters of reference that have been provided on your behalf which paint a picture of your good qualities and for which you should be grateful and your expressions of remorse which we take to be genuine on this occasion. 8. We are prepared therefore in the light of all the available mitigation to deal with this on a non-custodial basis. We deal first with the confiscation and make a declaration you have benefitted from drug trafficking to the extent of £19,090 and we order confiscation in the sum of £680 these figures not being disputed by you and agreed specifically by counsel. 9. We now turn to the sentence, and we use the Crown's starting point because in our judgment it is the correct starting point. With regard to first to Count 1, being concerned in the supply of cannabis, you are sentenced to 140 hours' Community Service Order, an equivalent of 8 months' youth detention and a Probation Order of 1 year. With regard to Count 2, possession or control of criminal property, you are sentenced to 180 hours' Community Service Order a 12 month equivalent custodial sentence with a Probation Order of 1 year. With regard to Count 3, possession of cannabis with intent to supply, we feel able to reduce by a small amount the conclusions moved by the Crown and you are sentenced 200 hours' Community Service Order the equivalent of 14 months' youth detention with a Probation Order of 1 year. With regard to Count 4, possession of cannabis with intent to supply you are sentenced again to 200 hours' Community Service Order the equivalent of 14 months' youth detention and a Probation Order of 1 year. 10. This makes a total of 200 hours of Community Service which is the equivalent of 14 month's youth detention because those will all be served concurrently, and you will also have imposed a 1 year Probation Order. 11. We order the forfeiture and the destruction of the drugs. 12. Mr Godfrey, let me say this. This was in the mind of the Court a finely balanced matter; you could easily have walked from here into youth detention. It was far from being a forgone conclusion and the court at all times was free to depart from the recommendations of the Crown and the disposal urged upon us by your counsel. You should therefore consider yourself entirely fortunate and take this as a warning which will not in effect be repeated again. If you are ever back before us again for similar offences or if you fail to complete the Community Service that we have ordered that you complete then you will be dealt with for these offences or your new offences and

you will no longer have the benefit of the chance that we have afforded you on this occasion. We take at face value your desire to turn your life around, your desire to put these things behind you and to proceed in a progressive way and we see very positive signs that that will be possible for you. Accordingly, we give you this opportunity. Please do not be back here again. Please do not mess it up. There will not be a second chance. Do you understand? Authorities Campbell v AG

[1995] JLR 136 . AG v Goodwin

[2016] JRC 165 . AG v Le Jehan

[2022] JRC 045 . Rimmer v AG

[2001] JLR 373 . Criminal Justice (Young Offenders) (Jersey) Law 2014. Page Last Updated: 04 Jul 2022 Back to top About JLIB Accessibility Contacts Disclaimer Feedback Privacy policy Site map © Jersey Legal Information Board 2001- This website is not compatible with your web browser. You should install a newer browser . If you live in Jersey and need help upgrading call the States of Jersey web team on 440099. BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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