

JERSEY / JUDGMENT

AG -v- Hebert and Le Gresley

[2012] JRC 192A (22 October 2012)

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JUDGMENT

THE DEPUTY BAILIFF: 1. Mr Hebert, you are here to be sentenced on an Indictment to which you pleaded guilty that involves the possession of cannabis with intent to supply and the supply of cannabis. The amounts involved are something like 1.6 kilograms and this is not the first occasion on which you have been before the Court on drug trafficking charges of this kind. 2. The guideline cases, particularly the case of Campbell, Malloy and Mackenzie-v-AG

[1995] JLR 136 makes it plain that we should be looking at a starting of 2-6 years' imprisonment for an amount of drugs of this quantity. The Crown has taken a starting point of 2½ years which we think is generous because the fact that there is a previous conviction shows that you have had a heavy involvement in drug trafficking. Nonetheless we have agreed to take the Crown's starting point of 2½ years' imprisonment. 3. We note all that has been said on your behalf by your counsel, your early plea of guilty, your admissions. We also have noted that you have taken responsibility for Mr Le Gresley's offending which is to your credit, and of course, the other side of that is that is a responsibility that comes at a price because you are responsible and you should not have behaved as you did. 4. We accept that you are remorseful and we think in the circumstances that the Crown's conclusions are right and we therefore sentence you to 18 months' imprisonment on each of Counts 1, 2 and 3 and they are to be served concurrently, so that makes a total of 18 months' imprisonment. And we certainly do urge you to take advantage of all the chances that are made available to you in the prison and hopefully you will move on when you come out and put it all behind you. 5. We also make a Confiscation Order in the sum of £3,800. 6. Mr Le Gresley, this is the first time that you have been in this Court and we hope very much that it is going to be the last time. At your age of 20, the Criminal Justice (Young Offenders)(Jersey) Law 1994 applies and accordingly we are constrained not to send you to prison on this occasion, and as I say we hope there will not be another occasion. The amount of drugs you had in your possession was much lower but dealing in drugs is a very serious offence and nearly always results in somebody being sent to prison. In your case it seems pretty clear that you have had a quite serious drug problem; you have been a heavy user of cannabis and although there is some inconsistency between what your counsel says on instructions and what is in the background report as to whether you have been abstinent since your release

or whether you have simply reduced the use, that is not important for the purposes of what I am about to say. The fact is that you have been a heavy user and you will probably find that it is not so easy to abstain from use in the future and it is a real disappointment to this Court that you have not taken advantage of the Probation Service's offer of voluntary appointments and their help, and we hope that you will reconsider that. We think you should reconsider it. We had considered putting you on a formal Probation Order with random drugs testing just to ensure you did but if you can do it on your own that is better and so we are not going to follow that course. But we do think it is important that you take advantage of the offer which the Probation Service has made and so we hope you will reconsider that question of voluntary appointments. 7. As I have said, trafficking in cannabis is a serious offence and we therefore think it is right to mark that with a Community Service Order. We have taken account of everything that your counsel has said and we propose to make you do community service in a total of 120 hours. 8. You are sentenced to 120 hours' Community Service Order on Count 4, 50 hours on Count 5 and 120 hours on Count 6. They are to be served concurrently and they make a total therefore of 120 hours' Community Service Order. The sentence which would have been imposed is 6 months' youth detention and I warn you that if you do not perform the community service then you are liable to be brought back to this Court and sentenced again for these offences. I hope you clearly understand that. 9. We also make a Confiscation Order in the sum of £660. 10. The Court also orders the forfeiture and destruction of the drugs.

Authorities Campbell, Malloy and Mackenzie-v-AG

[1995] JLR 136 . Criminal Justice (Young Offenders)(Jersey) Law 1994 . AG-v-Hodgson

[2003] JRC 070 . AG-v-Taylor

[2000] JLR N 59c. AG-v-MacKenzie and Richards

[2011] JLR 689 . AG-v-Cornick

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