

JERSEY / JUDGMENT

AG -v- Martin [2016] JRC 070B (23 March 2016)

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JUDGMENT

THE BAILIFF: 1. You are here to be sentenced on an Indictment which contains two counts of possession of cannabis and possession of cocaine with intent to supply and that second count is the more serious charge of the two. The Court is restrained by authorities to apply the case of Rimmer and Ors-v-AG

[2001] JLR 373 and therefor to look at the starting point which we should use in relation to the imposition of a custodial sentence and possession of a Class A drug with intent to supply is an offence which for very many years has called for a custodial sentence absent extraordinary circumstances. The amount involved in this case was 15.18 grams and it was at 13% purity. You were found with 19 deal-sized bags of cocaine and there was £990 in cash found in a bedside cabinet drawer. There was also found some small re-sealable plastics bags. 2. The Court takes the starting point of 8 years as has been moved for by the Crown. The starting point has been fixed having regard to the band that you are in for the possession of just over 15 grams which is 7-9 years and the quantity of drugs would put the starting point in the middle to the upper end of the band. Furthermore in order to decide what your involvement is in drug trafficking the Court has had regard to the potential for bulking up on your sale and also has had regard to your record where it does appear that you have dealt in drugs in the past. And so we have considered carefully the submissions of your counsel that because the Crown has accepted that you were intending to use the majority of the cocaine yourself that it should be the lower starting figure of 7 years but we do not think that your involvement in drug trafficking falls at that level and accordingly we are going to take the starting point of 8 years. 3. You are, in our view, entitled to a full discount for a guilty plea or at least something close to it because you did make some early admissions and you have made a guilty plea, although it could be said that the guilty plea was almost inevitable in the context of the discovery of the cocaine. Nonetheless you were very quick to say that the cocaine had nothing to do with your girlfriend and that is to your credit and also it does show the guilty plea was a valuable one. You are therefore getting as it were the full, or near enough the full, discount for the guilty plea. 4. In the light of your record there is not much other personal mitigation that you can advance save for one thing which I shall come onto very shortly, and certainly at your age you should be aware

of what the position is. It is disappointing that you do not seem to have grasped the problem that your drug taking causes and we note that the Court said when sentencing you in November 2013 "he has a good work record we have read the references we are also glad to hear that the defendant is determined not to become involved in drugs in the future and we hope very much he keeps to that." Well, frankly, you cannot keep on saying that to the Court and it is time that you realised what a problem the drug-taking is causing.

5. The one point which we think is an important point which goes to your personal mitigation and it is in a sense a point that your counsel has already made and that is the fact that you were not going to supply all of this cocaine to third parties. We take that into account in the context of the personal mitigation you have though it is not applied to the starting point but we do apply it to the reduction from the starting point.

6. Having regard to all those things we think that the Crown's conclusions are correct and you are sentenced therefore to 5 years' imprisonment on Count 2 and 1 month's imprisonment, concurrent, on Count 1.

7. We also order the forfeiture and destruction of the drugs.

Authorities
Rimmer and Ors-v-AG

[2001] JLR 373 . AG v Teixeira

[2009] JRC 153 . AG v Neagle

[2012] JRC 166 . Page Last Updated: 28 Apr 2016 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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