

JERSEY / JUDGMENT

AG v Mayo [2020] JRC 076 (30 April 2020)

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JUDGMENT

THE DEPUTY BAILIFF: 1. James Andrew Mayo, you are 23 years old and fall to be sentenced today in relation to four offences involving controlled drugs; two offences of possession with intent to supply, ecstasy and cannabis resin respectively, and two offences of being concerned in the supply of a controlled drug, again ecstasy and cannabis respectively. 2. On 4 th October, 2019, you came to the attention of the police when you fell over into several motorbikes near Sand Street car park because you were, in the assessment of the officer who arrested you, under the influence of drink or drugs. 3. You were arrested for malicious damage. At the police station when you were searched ecstasy and cannabis were found in your left sock. The cannabis resin weighed just under 2 ounces, 53.81 grams, with a street value of between £795 and £1,060. The ecstasy was in two bags totalling 22.64 grams, the purity of each bag being 47 per cent and 81 per cent respectively. The street value of the MDMA was between £1,320 and £2,200. Accordingly, the minimum value of the two quantities of drugs seized was £2,115. 4. You were interviewed by the police. You declined legal advice. You fully admitted that you had had cannabis and ecstasy upon you, and that was before the results of the relevant drug tests came back. You said that you had purchased the drugs for £700 because you were stocking up as a heavy user of cannabis and MDMA. You said that the drugs were for your personal use, save that on occasion you might give a small quantity to friends. 5. Investigation of your mobile telephone messages revealed that what you said to the police in respect of your supply to friends was false. It was clear from the evidence, and accepted by you through your counsel today, that you had been selling both ecstasy and cannabis to associates of yours. The period covered by the supply counts on the indictment is just over one month. There is evidence of you supplying ecstasy to one customer and a reference to previous supply to them. There is also reference to you selling cannabis and, indeed, putting pressure on a customer of yours who owed you £550. There is also evidence of a dealer list on your phone, created on the 20 th August, 2019. 6. Today we have heard from your counsel in relation to the sums contained on that dealer list and, in summary, we now know that you owed two people supplying you with drugs a total of £4,500, and that there were three further individuals to whom you had sold drugs. The sums that they owed you ranged from £60 to £550, so in total there were five individuals to whom you were selling drugs during this period. 7. Accordingly, you are to be sentenced as a street dealer in cannabis and ecstasy. As to the starting point for the principal counts on the indictment, namely Counts 1 and 3, which deal with your possession with intent to supply of MDMA and your being concerned in the supply of MDMA

respectively, we have had regard to the case of Rimmer v AG

[2001] JLR 373 . Having regard to the weight of the drugs at Count 1, we and indeed your counsel, accept the Crown's assessment that the appropriate starting point is 8 years' imprisonment. We agree with the Crown that we should not increase that starting point by reference to the degree of purity being in excess of 75 per cent as, overall, when one averages the two quantities of MDMA, the overall purity was lower than this. 8. As to your being concerned in the supply of ecstasy, we note the starting point of 7 to 9 years for 1 to 20 grams under Rimmer and, in view of the evidence of supply in this case, we accept the Crown's assessment of the starting point as being 7 years' imprisonment for Count 3. Again, your counsel on your behalf does not challenge that as being the starting point for the offence at Count 3. 9. We do not regard it as necessary to fix starting points for the two cannabis offences and, accordingly, we do not do so. We give you full credit for your guilty plea, for the admissions you did make to the police, and we treat you as a man of good character. 10. The Probation Officer regards you as being at high risk of reconviction. Although you were working at the time of your arrest, you had no fixed accommodation. We know that you had a difficult up-bringing, with your parents separating when you were young. Indeed, from the age of about 16 onwards, you were without any parental support at all in Jersey. We also know that you had an undiagnosed learning difficulty which prevented you from doing well at school. We have read the report of Dr Briggs, a forensic psychologist and a clinical psychologist, and we have considered his conclusions. We note in particular the real challenges that you have experienced, and continue to experience, in relation to verbal comprehension, in relation to memory and in relation to " processing speed ", as he describes it. 11. You have unfortunately abused alcohol, cannabis, ecstasy and cocaine on and off over the last few years, and you told the probation officer " I enjoy taking drugs and always knew it would come to this ". It is sad that, even with that knowledge, knowledge of what your future might hold, you offended in the way that you did. The truth is that without street dealers, those who make a living as suppliers of controlled drugs to people like you would not be able to make a living. You are a key link in the chain of supply from importer to addict. 12. We have listened with care to all that your counsel has said, and we note the Probation Officer says that there is support that you need. She refers to support in relation to basic skills, literary assessment, one-to-one work regarding your substance abuse, offending behaviour work to help you with decision-making, problem-solving and consequential thinking. We have heard from the Probation Officer in evidence today that much of the work that could be carried out under a probation order can in fact be commenced in custody. We have heard that there is at the prison an education department which will give you the skills that you need to improve your literary capabilities, that there is an offending behaviour programme available and that the prison psychology team can offer you one-to-one offending behaviour work. All this work which you can do in custody will give you a framework to help you live your life when you are released. 13. Your counsel urged on your behalf a non-custodial sentence in your case but we regard these offences as so serious that only a custodial sentence can be

justified. In view of your age and the fact that you are still, not only a man of good character but a man the Court feels that could have a bright future in front of you, we are substantially reducing the Crown's conclusions which, as you know, sought a total sentence of five years' imprisonment. 14. The sentences that the Court imposes today are as follows: Count 1, 3 years' imprisonment. Count 2, 6 months' imprisonment concurrent. Count 3, 3 years' imprisonment concurrent, and Count 4, 4 months' imprisonment concurrent, making a total of 3 years' imprisonment. 15. We make a destruction order in relation to the drugs and 16. We certify that, pursuant to the Proceeds of Crime (Jersey) Law 1999, you have benefitted from criminal conduct in the sum of £6,615. 17. We make a nominal confiscation order in the sum of £1. Authorities *Rimmer v AG*

[2001] JLR 373 . Proceeds of Crime (Jersey) Law 1999. *McDonough v AG* , [1994] JLR Notes 7a
Campbell v AG

[1995] JLR 136 *AG v Antunes & Ors*

[2003] JRC 072 *AG v Gilbraith & Rawlinson*

[2017] JRC 155 *AG v Benyoucef*

[2019] JRC 124 *AG v Taylor*

[2019] (1) JLR N [2]; *AG v Taylor*

[2019] JRC 022 *AG v Taylor*

[2019] JRC 027 Page Last Updated: 18 May 2020 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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Prepared on 26 October 2026 · Esheria