

JERSEY / JUDGMENT

AG v Roy [2022] JRC 036 (10 February 2022)

[2022] JRC 036

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JUDGMENT

THE DEPUTY BAILIFF: 1. Charlie Roy, you are 24 years old. You have one relevant conviction for possession of cannabis in 2014 for which you were sentenced to a Community Service Order which you failed to complete. 2. You fall to be sentenced today for four offences; possession with intent to supply of 17.66 grams of amphetamine and possession of 2.349 grams of cannabis found at your home address last year when they were found together with cash, a dealer list and other drugs paraphernalia during a search on 19 th March 2021, and two counts of being concerned in the supply of cocaine and MDMA, 17 grams and 44 grams respectively, making a total of 61 grams of Class A drugs. 3. The evidence in relation to your supply of those two drugs was ascertained by reference to communications on your mobile telephone. You provided the authorities with your PIN number and accordingly access to your telephone which indicated that you had been dealing in these Class A drugs for a period of approximately six months. 4. The total value of the drugs covered by the counts on the Indictment is between £6,370 and £8,300. 5. You admitted the first two offences when you were interviewed, you made 'no comment' in relation to the two more serious counts but you pleaded guilty at the first opportunity in the Magistrate's Court and accordingly you will receive full credit for your guilty pleas. 6. The Court's policy in relation to dealing in Class A drugs is strict as you now fully understand. It needs to be in order to deter you and others from dealing in drugs that can cause severe addiction, perpetrate other criminal conduct, and kill. Communications on your mobile telephone showed that you were busy supplying drugs for cash including the ecstasy at between £80 and £100 per gram. You knew the quality of the drugs that you were selling, and you told one of your customers "I'm not cutting it so it's quite expensive 150 a gram ". You were selling cocaine and ecstasy and indeed amphetamine in what was described by the expert as 'multi-gram quantities'. 7. We needed to consider and fix the starting point for the offences at Counts 3 and 4, particularly having regard to the fact that Counts 3 and 4 relate to separate drugs with, as we have said, a total weight of 61 grams. We do not think it appropriate to follow on the facts of this case the approach in *Valler v AG*

[2022] JLR 383 and accept the submissions of your counsel that the appropriate starting point, having regard to the aggregate weight of the two drugs in this case is to fix a starting point having regard to the principles in *Rimmer v AG*

[2001] JLR 373 of 9½ years which we hold is the appropriate starting point at Counts 3 and 4. 8. We have had regard to the mitigation available to you, including the impressive letters that you wrote, that your girlfriend wrote, that her parents wrote and the letter from your employer and we fully accept your counsel's submission that you fully intend never to repeat this error, that you have a promising future and that this will not happen again, and those circumstances allow us to reduce the Crown's conclusions to a total of 5 years' imprisonment. 9. The sentence on each count is as follows: Count 1, 6 months' imprisonment; Count 2, 1 month imprisonment, concurrent; Count 3, 5 years' imprisonment; Count 4, 5 years' imprisonment, all to run concurrently making a total, as we have said of 5 years' imprisonment. 10. We order that the drugs, the associated paraphernalia, and your iPhone are destroyed. 11. We adjourn the question of confiscation to 21 st April 2022 at 2.30pm Authorities Valler v AG

[2002] JLR 383 . Rimmer v AG

[2001] JLR 373 . AG v O'Brien

[2021] JRC 272 AG v Bennett

[2021] JRC 093 AG v Martin

[2013] JRC 229 AG v Grodowski

[2016] JRC 166F AG v Jones

[2021] JRC 290 AG v Picot

[2021] JRC 270 AG v Goodchild

[2016] JRC 128B . Page Last Updated: 23 Feb 2022 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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