

JERSEY / JUDGMENT

The Attorney General v Charlie James Roy

COURT

Royal Court

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Superior Number Sentencing - drugs - possession - supply - Class A and Class B

[2022]JRC036

Royal Court

(Samedi)

10 February 2022

Before :

R. J. MacRae, Esq., Deputy Bailiff, and Jurats
Ramsden, Ronge and Hughes
The Attorney General

-v-

Charlie James Roy
Sentencing by the
Superior Number of the Royal Court, following a guilty plea to the following

charges:

1 count of:

Possession of a controlled drug with intent
to supply it to another, contrary to Article 8(2) of the Misuse of Drugs
(Jersey) Law 1978 (Count 1)

1 count of:

Possession of a controlled drug contrary to
Article 8(1) of the Misuse of Drugs (Jersey) Law 1978 (Count 2). .

2 counts of:

Being concerned in the supplying of, or in
the making of an offer to supply, a controlled drug contrary to Article 5(c)
of the Misuse of Drugs (Jersey) Law 1978 (Count 3 and Count 4).

Age: 24.

Plea: Guilty.

Details of Offence:	On 19th March 2021 Police executed a search warrant at the Defendant's home address during which 17.66 grams of amphetamine (Count 1) and two small quantities of herbal cannabis (Count 2) were found. He was arrested later that day, his iPhone was seized, and he made limited admissions. He claimed that two grams of "skunk" herbal cannabis and approximately 20 grams of amphetamine were his and for personal use. He said he had no intention of selling the amphetamine as he would use it whenever there was an occasion. He would not say who supplied him with the cannabis or amphetamine. He stated there may be "stuff" on his phone where he "helps out" friends with drugs, explaining that his friends knew he used and liked drugs, so they would message him asking if any were available. When his iPhone was examined, WhatsApp messages showed that the Defendant was concerned in the supply of multigram deals of cocaine (Count 3) and MDMA (Count 4). There were also references to supplying at least 10 grams of "speed" (common slang for amphetamine). The Defendant was interviewed again on 10th June 2021. The text messages were put to him, and the Defendant answered "no comment" to all questions. The drug expert estimated that the messages indicated a supply of 17 grams of cocaine, and 44 grams of MDMA powder, and the total supplied was worth between £6,370 and £8,300.
Details of Mitigation:	Guilty plea, limited admissions, and co-operation (provision of phone PIN), good employment record.
Previous Convictions:	Convictions for five offences but only one of relevance – possession of cannabis in October 2014.
Conclusions:	
Count 1:	3 months' imprisonment, concurrent.
Count 2:	1 month's imprisonment, concurrent.
Count 3:	6 years' imprisonment, concurrent.
Count 4:	Starting point 10 years and 6 months' imprisonment. 6 years' imprisonment, concurrent. Total: 6 years' imprisonment. Order for the forfeiture and destruction of drugs and the Defendant's iPhone sought. Confiscation hearing to be adjourned to 21 April 2022 at 2.30pm

Sentence and Observations of Court:

Count 1:	6 months' imprisonment, concurrent.
Count 2:	1 month's imprisonment, concurrent.
Count 3:	5 years' imprisonment, concurrent.
Count 4:	Starting point 9 years and 6 months' imprisonment. 5 years' imprisonment, concurrent. Total: 5 years' imprisonment. Order for the forfeiture and destruction of drugs and the Defendant's iPhone granted. Confiscation hearing adjourned to 21st April 2022 at 2.30pm R. C. P. Pedley Esq., Crown Advocate. Advocate L. Sette for the Defendant.

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 19th 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 [2002] 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 21st 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.

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