

JERSEY / JUDGMENT

The Attorney General v Dennis John Channing

COURT
ROYAL COURT

BEFORE
M.C. St. J. Birt, Esq., Deputy Bailiff, and
Jurats de Veulle, Le Brocq, Bullen, Clapham, Le
Cornu and Newcombe.
The Attorney General
-v-
Dennis John Channing
Sentencing by the
Superior Number of the Royal Court,
to which the Defendant was remanded by the
Inferior Number on 20th August, 2004,

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[2004]JRC188
ROYAL COURT
(Samedi Division)
1st November, 2004

Before: M.C. St. J. Birt, Esq., Deputy Bailiff, and
Jurats de Veulle, Le Brocq, Bullen, Clapham, Le Cornu and Newcombe.
The Attorney General
-v-
Dennis John Channing
Sentencing by the
Superior Number of the Royal Court,
to which the Defendant was remanded by the Inferior Number on 20th August, 2004,

following guilty pleas: 2 counts of:
Possession of a controlled drug contrary to
Article 6(1) of the Misuse of Drugs (Jersey)
Law, 1978.
Count 2: cocaine hydrochloride.
Count 7: cannabis resin.
2 counts of:
Supplying a controlled drug contrary to
Article 5(b) of the Misuse of Drugs (Jersey)
Law 1978.
Count 3: cocaine hydrochloride.
Count 6: cannabis resin.
1 count of:

Possession of a controlled drug with intent to supply a controlled drug contrary to Article 6(2) of the Misuse of Drugs (Jersey) Law 1978.

Count 5: cannabis resin.

1 count of:

Production of a controlled drug contrary to Article 5(a) of the Misuse of Drugs (Jersey) Law, 1978.

Count 8: cannabis.

[On 20th August, 2004, the Crown withdrew counts 1 and 4 of the Indictment].

Age: 48.

Plea: Guilty.

Details of Offence:

A search of garages and a workshop rented by the accused resulted in recovery of a little over 35 grams of cocaine (Count 2), 328.65 grams of cannabis resin (Count 5), a further 5.71 grams of cannabis resin (Count 7) and two semi-mature cannabis plants (Count 8). During subsequent interview the accused admitted supplying between 5 and 10 grams of cocaine (Count 3) and between 22 and 23 ounces of cannabis (Count 6) over a six week period. He also admitted growing the cannabis plants. He told interviewing officers the proceeds of his drug trafficking were under his bed. Two envelopes containing a total of £3,740 were subsequently recovered. Refused to name his supplier.

Details of Mitigation:

Guilty plea (considered inevitable in relation to main charges). Remorse. Co-operation (accused had effectively written his own indictment in relation to Counts 3 and 6). Accused had become particularly depressed following the breakdown of his marriage and his brother's suicide. Recent loss of driving licence had affected his business. Claimed he committed the offences to alleviate debt.

Previous Convictions:

Record spanning a 32 year period including convictions for possessing, importing and supplying cannabis and producing a controlled drug.

Conclusions:

Count 2: 6 years' imprisonment: (10 years' imprisonment starting point).

Count 3: 5 years' imprisonment: (no starting point).

Count 5: 12 months' imprisonment: (no starting point).

Count 6:	18 months' imprisonment: (no starting point).
Count 7:	1 month's imprisonment: (no starting point).
Count 8:	1 month's imprisonment: (no starting point), all concurrent. Total: 6 years' imprisonment.

Sentence and Observations of Court:

Count 2:	4½ years' imprisonment: (9 years' starting point).
Count 3:	4½ years' imprisonment. Count: 5 12 months' imprisonment.
Count 6:	18 months' imprisonment.
Count 7:	1 month's imprisonment.
Count 8:	1 month's imprisonment, all concurrent. Total: 4½ years' imprisonment. Correct starting point on Count 2 was 9 years' imprisonment. Guilty plea of value and merited a full discount. Accused had written his own indictment in relation to supply charges. He was in financial difficulty and depressed. Despite previous offending Court was impressed by accused's efforts to turn around his life. A. J. Belhomme, Esq., Crown Advocate. Advocate R. Juste for the Defendant.

JUDGMENT

THE DEPUTY BAILIFF: 1. The Defendant was found in possession with intent to supply of some 35 grams of cocaine with a street value of £2,960 and about one-third of a kilo of cannabis resin with a street value of £2,240. He admitted this was what was left of about 45 grams of cocaine and a kilo of cannabis resin that he had purchased earlier. He had already supplied some 10 grams of cocaine and the balance of the cannabis resin over a 6 week period. 2. As to starting points the Crown say that for the cocaine possession with intent to supply there should be a 9 year starting point, and then this should be increased by a year to reflect the cannabis and the additional cocaine. We think that taken in the round the correct starting point in this case to reflect everything is one of 9 years'. 3. In mitigation, there is the guilty plea which was of value and in our judgment entitles the Defendant to a full discount. In relation to the two counts of supply he did indeed write his own indictment in that he admitted these when the prosecution would never otherwise have known. The same is not true in relation to the possession with intent to supply

but, nevertheless, in accordance with A.G. –v- Bouhaire [1990]JLR N21 we allow an additional discount over and above the one-third to reflect the fact that he wrote his indictment on two of the counts. 4. It is clear that he committed these offences because he had got into financial difficulties and saw it as an opportunity to make money. We read carefully the Psychiatric Report and the Social Enquiry Report which show that he had been suffering from depression. Although he has previous convictions and indeed had a number of previous convictions in his youth, he last offended in 1988 and we are impressed with the efforts he has made to turn his life around since then and it is, of course, true to say he has never been in prison before. All in all, we think that the correct discount from the starting point is one of 4½ years' imprisonment. 5. The sentences are as follows: on count 2, 4½ years; on count 3, 4½ years; count 5, 12 months'; count 6, 18 months'; count 7, 1 month; count 8, 1 month, all of those concurrent, making 4½ years in all and we order the forfeiture and destruction of the drugs. Authorities Rimmer, Lusk and Bade –v- A. G. [2001]JLR373. Valler –v- A.G. [2002] JLR383. Campbell & Ors –v- A.G.

[1995] JLR136. A.G. –v- Bouhaire [1990]JLR N21.

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