

JERSEY / JUDGMENT

The Attorney General v Rorey Benjamin Allo

COURT

Royal Court

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Superior Sentencing - drugs - possession - intent to supply - Class A and Class B.

[2020]JRC134

Royal Court

(Samedi)

8 July 2020

Before :

T. J. Le Cocq., Esq., Bailiff, and Jurats

Blampied, Christensen and Austin-Vautier

The Attorney General

-v-

Rorey Benjamin Allo

Sentencing by the

Superior Number of the Royal Court, to which the accused was remanded by the Inferior Number on 25th January, 2009, following guilty pleas to the

following charges:

5 counts of:

Possession of a controlled drug with intent to supply contrary to Article 8(2) of the Misuse of Drugs (Jersey) Law 1978 (Count 1) (Count 2) (Count 3) (Count 4) (Count 5)

1 count of:

Possession of criminal property contrary to Article 30(1)(c) of the Proceeds of Crime (Jersey) Law (Count 7)

Age: 21.

Plea: Guilty.

Details of Offence:

Upon execution of a search warrant

at the defendant's home address police officers seized MDMA (in both crystal and tablet form), herbal cannabis, cannabis resin and THC from various locations throughout the defendant's bedroom and from a locked safe located in another bedroom, the keys for which were found in the possession of the defendant.

The total quantity of the drugs

found were as follows:

- a) 125.17g of MDMA;
- b) 18 MDMA tablets;
- c) 55.756g of cannabis resin;
- d) 88.817g of herbal cannabis; and
- e) 3.6g of THC;

69.13g of the crystalline MDMA seized from the defendant's address had a purity of 73%, and 45.49g had a purity of 80%.

The estimated combined street value of the drugs was calculated as being between £13,405 and £16,925. Officers also seized £2,231.06 in cash located in the defendant's bedroom as well as a further £695 in cash in the safe.

Details of Mitigation: Previous good character, early guilty pleas and the defendant has the benefit of youth.

Previous Convictions: No previous relevant convictions.

Conclusions:

Count 1: 5½ years' youth detention.

Count 2: 3½ years' youth detention, concurrent.

Count 3: 6 months' youth detention, concurrent.

Count 4: 6 months' youth detention, concurrent.

Count 5: 6 months' youth detention, concurrent.

Count 7: 6 months' youth detention, concurrent.

Total: 5½ years' youth detention.

Declaration of benefit sought in the sum of £14,160.

A confiscation order sought in the sum of £2,926.06.

Order sought for the forfeiture and destruction of the drugs and drugs paraphernalia.

Sentence and Observations of Court:

Count 1: Starting point 10 years and 6 months. 4 years' youth detention.

Count 2: Starting point 7 years. 3 years' youth detention, concurrent.

Count 3: 6 months' youth detention, concurrent.

Count 4: 6 months' youth detention, concurrent.

Count 5: 6 months' youth detention, concurrent.

Count 7: 6 months' youth detention, concurrent.
Total: 4 years' youth detention.
Declaration of benefit made in the sum of £14,160.
Confiscation order made in the sum of £2,926.06.
Forfeiture and destruction of the drugs ordered.
M. R. Maletroit, Esq., Crown Advocate.
Advocate M. P. Boothman for the Defendant.

JUDGMENT

THE BAILIFF: 1. You are to be sentenced today for 7 Counts, all drug related, ranging from possession with intent to supply of MDMA crystals to possession of herbal cannabis. We do not need to set out the background in any detail, as this has been clearly explained by the Crown in the statement of facts that has been read out in Court. 2. Your arrest came about as a result of a search of your home address where not only was significant amount of drugs found but there was a significant amount of drugs paraphernalia including scales, wrappings and a bulking agent. Given the purity of the MDMA this is highly indicative that you were preparing it for supply and dealing at street level. 3. We have considered the provisions of the Criminal Justice (Young Offenders) (Jersey) Law 2014 which tells us that we should only sentence you because of your age to a period of Youth Detention if we are satisfied that no other method of dealing with you is appropriate, and if, as is relevant for our purposes today, your offending or the totality of the offending is so serious that a non-custodial sentence cannot be justified. 4. The Crown has drawn our attention to the case of the AG –v- Gill [2018] JRC 196 in which the Court said: “ and it is also important to add this, if we have reached any other view then we would of exposed lots of other young people at 17 or 18 to have been targeted by drugs dealers as potential low grade intermediate drugs dealers themselves”. 5. The Court in that case indicated that it was important to send a message that this was a serious matter and we agree. We conclude that this case falls within a category of seriousness that a non-custodial disposal is not appropriate, the offending is significant relating to a significant amount of drugs and actions on your part preparing those drugs for onward sale. Accordingly, a custodial sentence is inevitable. 6. We think however, that the Crown's assessment of the appropriate starting point is somewhat too high and in our view the amount would justify a 10½ years' imprisonment by way of a starting point for the MDMA crystal. We think the assessment of 7 years for the tablets is correct. 7. We have taken the mitigation available to you into account. We note your guilty plea. We note your good character in the sense of a lack of previous convictions, and we note the very strong and positive references that have been provided on your behalf, and the remorse that you have shown which we take to be genuine. 8. We have noted your work record and of course we have taken into account to a very significant extent your youth and the contents of the social enquiry reports which explain

much of the background to this offending. We consider these cumulatively to be substantial items of mitigation which enables us to take the view as to sentence of that we have taken. 9. In our view therefore, the correct sentence in this case is with regard to Count 1, 4 years Youth Detention, Count 2, 3 years' Youth Detention concurrent, Count 3, 6 months Youth Detention concurrent, Count 4, 6 months Youth Detention concurrent, Count 5, 6 months Youth Detention concurrent and Count 7, 6 months Youth Detention concurrent making a total of 4 years Youth Detention.

10. We make a declaration of benefit in the sum of £14,160.00 as invited by the Attorney General under the confiscation provisions and a confiscation order which you did not oppose, in the sum of £2,926.06.
11. We order the forfeiture and destruction of the drugs and drugs paraphernalia seized in this case. Authorities *Misuse of Drugs (Jersey) Law 1978*. *Proceeds of Crime (Jersey) Law 1999*. *Criminal Justice (Young Offenders) (Jersey) Law 2014*. *AG –v- Gill [2018] JRC 196* *Rimmer v AG [2001] JLR 373* *Bonnar v AG [2001] JLR 626* *Campbell v AG [1995] JLR 136* *AG v Cameron [2008] JRC 182*

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