

**ROYAL COURT
FULL COURT**

26th November 2019

**Before: Judge J R Finch OBE, Judge of the Royal Court and:
Claire Helen Le Pelley, Niall David McCathie, Terry John Ferbrache, David Allan Grut,
David James Mortimer, Peter Francis Gill, David John Robilliard,
Marilyn Jasmine King, Tina Jane Le Poidevin, Jurats.**

THE LAW OFFICERS OF THE CROWN

- v -

Corey John NORMAN

**Advocate J D McVeigh appeared for the Crown
Advocate S E Steel appeared for the Defendant**

JUDGE OF THE ROYAL COURT:

Background

You appear here today for sentence on one count, unlawfully importing the Class B controlled drug, cannabis in herbal form with a maximum sentence of 21 years. You are a local person aged 19, you are unemployed and you have relevant matters. You were sent to the Convenor in 2015 for possession with intent to supply and in August 2017, you had a Suspended Sentence Supervision Order which had to be activated resulting in 6 months' Youth Detention.

You came before the Magistrate's Court on this on the 8th July and you came to see me on the 14th August in the Plea and Directions Hearing when an early 'guilty' plea was entered. You went on bail but breached it and admitted this; the Deputy Bailiff kept you in custody from the 8th November, so you have had a couple of weeks inside again.

On this offence you were caught on the 4th July – your baggage had a strong smell of Cannabis which certainly makes the job of law enforcement easier when you are passing through the controls. You made a stupid remark to the Officers and then you admitted concealment. As the Prosecutor said, you said: *"I have the tiniest bit of Cannabis, the stuff over here is shit and like £25 a gram."* You remained in the Princess Elizabeth Hospital under constant observation for three days and passed a small package on the 6th July.

Sentencing Considerations

So when we look at sentence, we note you admitted purchasing 3.5 grams, leaving after use, only 1.59 grams of herbal cannabis. This is a small amount, but that is offset by the unpleasant internal concealment which caused hospital resources to be wasted - instead of on sick people. There was a need to keep you under continuous observation.

This unpleasant set of circumstances is a very considerable aggravating factor in our view. Each case has to be looked at, of course, on its own facts and we have done that today and the Probation Officer

says, you fall within a population who presents a very highly likelihood of reoffending. Whilst we note, as said, the relatively small amount you brought in, there is the question also we just mentioned of misusing hospital facilities for three days and as we said, the hospital is meant for people who are sick – not drug smugglers. This was a drain on the hospital resources and Law Enforcement had to keep someone there to ‘mind’ you. This type of internal concealment is nasty and difficult for people to deal with. We also have to take into account that you failed to respond to non-custodial measures in the past and your breach of bail and both resulted in you being locked up.

We think a starting point of 6 months’ Youth Detention is appropriate when we take all the circumstances of the case into account. There now seems to be some back-tracking on your bad attitude, as set out in the Probation report. Now you are faced with sentencing and we stress the allegation against you in the Magistrate’s Court we heard of has not been proven, and it is still to be tried by them, so we don’t take that into account at all and it would be wrong to do so, but we have heard about it and it was right that we heard all the facts.

Mitigation

Well we note the mitigation by your skilled Advocate, your letter and the references. Your guilty plea was inevitable in all the circumstances and only deserves nominal credit. Your age, as you are still a young offender, needs to be taken into account and you are subject to the Youth Detention Law. There is not much there in your favour and we note the rather perhaps ‘optimistic’ conclusions of the Probation report, but your record is such we are entitled to have real concerns whether you comply with supervision and not reoffend. We give you a discount on the facts: principally your young age and note the amount of drug brought in was small which limits our sentencing. As for sentence, well if you don’t grow up, as it is high time that you did and stop reoffending, you will have a short and unhappy life, quite possibly. Drug abuse has injured your health and can only have worse effect if you carry on – that is down to you, it is your decision and no-one can do it for you. Every year in fact we do inquests on people who take drugs who are young and have wasted their lives and end up dead.

Sentence

We agree with your statement that to date, this is the stupidest thing you have ever done and there is a fairly wide range of stupid things to choose from, but this is it. We are not going to give you an easy option – you have got a lousy record – you need to get your act together and you will need to comply with our Order. The requirements are strict and if you don’t do what we say it is ‘back on the wing’. You will have 120 hours of Community Service as a direct alternative to 4 months’ Youth Detention – the grounds of Youth Detention being the seriousness of the offence, inability/unwillingness to comply with non-custodial measures. In addition there will be, as recommended, an 18 month Probation Order. There are some strict additional conditions on there and they are part of the Court Order:

- Engagement with drug treatment intervention, including attendance at Smart Recovery Groups as deemed appropriate by the CJSS.
- Engagement with your Probation Officer in order to monitor progress, address attitude supportive of offending and assist you in developing a good life plan which includes areas such as employment and peer group choices.
- Twice weekly drug testing and random drug testing to be utilised if necessary. That by the way means that at any inconvenient time, someone will turn up to give you a random drug test at the sort of time you are not expecting anyone to call and if you blow that, that is blowing the whole Order and you are back in for 4 months.
- You will attend the Criminal Justice Substance Service as directed and comply with alcohol testing as well and treatment as required.
- So Probation – 18 months’ with those conditions and a combination of a Community Service Order and 4 months’ Youth Detention for the grounds given if you reoffend, plus Destruction and Confiscation Orders.

With regard to the Magistrate's Court offences, in the circumstances, acting as a Judge of the Magistrate's Court, I will vary his bail and remove that condition - as it seems pointless to make all these Orders and then have him on the street where he might meet some stupid mates and go and reoffend tonight. Advocate McVeigh confirmed that she would advise the law enforcement officers post charge of the Magistrate's Court matter. There were two conditions: not to contact Jane Norman and not to attend 'Benlee' so there is now unconditional bail and he is due to attend the Magistrate's Court on the 2 December.

Judge J R Finch OBE
Judge of the Royal Court

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