

Supply of a controlled Class B drug, contrary to section 3(3)(b) of the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974, as amended and possession of controlled drugs, of Class B and Class C, contrary to section 4(2) of the 1974 Law

**[2020]GRC057**

**ROYAL COURT  
FULL COURT**

**23 SEPTEMBER 2020**

**Before: Richard James McMahon, Esq., Bailiff and:  
Stephen Murray Jones OBE, Terry John Ferbrache, Jonathan Grenfell Hooley,  
Joanne Marie Wyatt, Alan Stevenson Boyle, Peter Francis Gill, Stuart Michael Crisp,  
Paul Martin Burnard, Felicity Jane Quevâtre-Malcic, Jurats.**

**THE LAW OFFICERS OF THE CROWN**

**- v -**

**JASON CONNER ENTICOTT**

**Crown Advocate F M Russell appeared for the Crown**

**Advocate D R F Domaille appeared for the Defendant**

**BAILIFF:**

**Background**

Jason Enticott, you appear today to be sentenced in respect of an Indictment containing three Counts. The first Count is being concerned in the supplying of a controlled drug of Class B, cannabis resin, to another, contrary to section 3(3)(b) of the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974, as amended. The maximum penalty for this offence is 21 years' imprisonment. The other two Counts are for simple possession of a controlled drug, contrary to section 4(2) of the 1974 Law. The Second Count relates to cannabis (Class B), for which the maximum sentence is 10 years' imprisonment and the Third Count relates to gabapentin (Class C), for which the maximum penalty is 4 years' imprisonment.

These offences came to light following the execution of a search warrant on 12 February 2020 at your home address. Eight blocks of what turned out to be cannabis resin were found in a kitchen cupboard. Together, these bars weighed just over  $\frac{3}{4}$ kg. In addition, the search also resulted in some smaller amounts of cannabis resin being found, bringing the total up to 817.92 grams, plus 4.32 grams of herbal cannabis and 6 capsules of gabapentin. These latter small amounts relate to the Second and Third Counts. Other drug paraphernalia associated with dealing and some cash were also discovered during the search. The street value of all the cannabis resin is put at between £16,000 and £24,000. The other drugs found had a value of around £100 for each Class. Following your arrest later on the date of the search, you immediately took responsibility for all of the drugs found and did not seek to implicate anyone else.

You are a local man, aged 25 when committing these offences and celebrated your 26th birthday this past weekend. You have a partner and a young family. You have worked in the construction industry and have been part of the apprenticeship scheme. You have managed to keep out of trouble for the last 5 years, but have had a couple of spells of youth detention for offences of violence and have an old conviction for possessing a controlled drug.

You have been on unconditional bail throughout these proceedings.

### **Sentencing Considerations**

We will concentrate on the approach to the First Count, recognising that the other two Counts add little to the overall nature of what you are to be sentenced for.

Being concerned in the supply of cannabis is a drug trafficking offence. In the case of *Richards* in 2002, the Court of Appeal established guidelines to which this Court is obliged to have regard. For cannabis, where the weight is below 2 kilograms, as here, the guideline starting point is in the range of 3 to 6 years' imprisonment. Given the total amount involved, the Court is satisfied that the custody threshold for this offence is passed. Although it is not a straight line progression through that range, the Court has decided that the appropriate starting point in your case is one of 4 years' imprisonment.

As regards the other two Counts, neither of these would be before this Court but for the First Count. Accordingly, having regard to the totality principle, what we will do is to deal with them in the same manner as the First Count and impose concurrent sentences of the same type.

### **Mitigation**

We have listened carefully to everything that has been said about you and on your behalf by Advocate Domaille. In particular, we have noted your deep remorse at trying to solve your financial problems through a "quick fix" venture of branching out into selling drugs. You have been a user previously, although it does appear that you had reduced your own consumption. However, your association with those in what we will call the drug fraternity meant that you were acquainted with those users who would be prepared to buy from you. The impact that this wholly misconceived decision will have on your family has, we believe, been a real lesson to you.

Your guilty pleas entered at the earliest opportunity deserve the full discount of one-third. Indeed, you have wasted no one's time.

We have also borne in mind what is written about you in the Probation Report. In doing so, we note the assessment that there is a moderate likelihood of general re-offending and that, despite your previous convictions for violence, there is no evidence to suggest you present a risk of serious harm to the public.

You are still comparatively young, meaning that there is clear scope for you to mend your ways, which we encourage you to do. We have noted your previous good work ethic and the likelihood that your job will still be available to you.

### **Sentence**

Jason Enticott, you know full well that those who deal drugs in the quantities found at your home when it was searched earlier this year inevitably face prison sentences. We have concluded that there is no option open to the Court other than to send you to prison today. However difficult your financial position had become, there is no justification for turning to the black economy of drug dealing. The risks you took were enormous and you now have to face the consequences of committing such a serious offence. This Court remains of the view that there needs to be a deterrent

element to the sentences we give so that others will realise the importance of not succumbing to the temptation, as you so misguidedly did, to make extra money by unlawful means.

In the light of your guilty pleas and what other mitigation we have found, the sentences we impose are as follows:

In respect of Count 1, the sentence will be one of 2 years' imprisonment.

In respect of Count 2 (possessing cannabis), 1 month imprisonment to run concurrently with the 2 year sentence.

In respect of Count 3 (possessing gabapentin), 1 month imprisonment, also to run concurrently to the other sentences.

Both of those last two sentences are really nominal and may well have been dealt with differently if they had fallen to be sentenced in isolation, but the outcome follows from the sentence imposed in respect of Court 1. In total, therefore, the sentence is one of 2 years' imprisonment which runs from today.

In accordance with section 1 of the Criminal Justice (Supervision of Offenders) (Bailiwick of Guernsey) Law, 2004, upon release (or completion of any Parole period if applicable), you will be subject to supervision by the Probation Service for a period equal to one quarter of the total sentence or the period you would have served had you not received remission, whichever is less. If you fail to comply with the conditions of the supervision, you will be liable to further imprisonment, a fine, or both.

The forfeiture and destruction orders in respect of all the drugs (cannabis resin, cannabis and gabapentin) that were seized, as sought by the Crown, and which have not been opposed, are granted.

The drug trafficking investigation timetable proposed is satisfactory. First, the Court grants the Crown's application pursuant to section 12 of the 2000 Law requiring you to provide the information set out therein. You will have 28 days in which to do so, after which the Crown will have a further 28 days in which to serve their section 11 statement. The Defence will have a further 28 days in which to respond and the matter will return to the Court on 23 December 2020 for review.

**Richard J McMahon**  
**Bailiff**

**23 September 2020**