

Unlawful supply of Class B Controlled Drug Cannabis Resin and the unlawful importation of Cannabis and failure to disclose details after an official notice was served.

[2021]GRC038

**ROYAL COURT
FULL COURT**

2 August 2021

**Before: John Russell Finch, Esq., O.B.E., Lieutenant Bailiff
and Jurats:
Jonathan Grenfell Hooley,
Steven John Morris, David James Mortimer, David John Robilliard,
Stuart Michael Crisp, Marilyn Jasmine King, Tina Jane Le Poidevin,
Felicity Jane Quevâtre-Malcic and Dr Simon Ernest Bodkin.**

THE LAW OFFICERS OF THE CROWN

- v -

Summer Claudette BIENVENU

**Crown Advocate F M Russell appeared for the Crown
Advocate S E Steel appeared for the Defendant**

LIEUTENANT BAILIFF:

Background

You appear here today for sentence on two Indictments:

- (1) Being concerned in the unlawful supply of the Class B Controlled Drug Cannabis Resin – maximum penalty 21 years.
- (2) Indictment two contains 2 Counts: the unlawful importation of Cannabis – maximum penalty 21 years and a RIPL offence, of failing to disclose details after an official notice was served – maximum penalty there is 2 years.

The second Indictment matters were committed whilst you were on bail for the first Indictment.

Guilty pleas were entered at Plea and Directions hearings, and you have been on bail throughout.

You are 21 and you have a record for assault, theft, assault on the Police and a further offence of assault. The CSO you received in 2016 for assaulting the Police was revoked on 7th December, 2016, you having breached it twice. The offence on the first Indictment was committed whilst you were subject to a 4 months' Youth Detention sentence, suspended for 2 years for assault, imposed on the 30th August 2018. You have earlier received cautions, referrals and supervision.

The first Indictment arises from a raid at premises in Grange Road where you were resident. A total amount of 69.71 grams of cannabis was seized at the house. Scales and a bong were also found. You denied any involvement with these drugs. You initially refused access to your PIN, but to be fair,

offered it at a voluntary interview. We have heard details of various messages, that could not be clearer in showing that you were an active drug-dealer.

In another interview you admitted selling for £30 a gram, between 60 to 70 grams a week. It was you admitted, “to make a little bit of money I suppose”. The period covered by the charges, we are told is 4 weeks, relying on selling 60 to 70 grams a week. This is a total of around 240 to 280 grams - with a Guernsey street value of £4,800 to £8,400.

The second Indictment relates to your arrest on 25th February this year, when you attempted to collect a drugs package from the Post Office under the name Paint. It contained 13.59 grams of cannabis. You lied to the Police about your guilt and this time refused to give your PIN number. Fortunately, the forensic team were able to access it, as we have heard. The value of the illicit drugs was higher in February 2021 - £50 to £70 per gram with a Guernsey street value of £697 to £976. This was likely down to the pandemic.

Sentencing Considerations

For the amount of Class B drugs up to 2 kg, the band of sentences laid down by the Court of Appeal for starting points, is 3 to 6 years. These guidelines are current and, as a matter of law, we are obliged to follow them.

These were two separate sets of offences. Whether we sentence concurrently or consecutively, the end result would be the same. The commission of a further serious offence on bail is a notable aggravating feature. You breached a suspended sentence on Count 1, which you were then subject to.

You are on the evidence, active as a drug dealer. Use of the postal service in an aggravating factor on the second Indictment. It is perhaps simplest to give a combined starting point for both the drugs offences which we make 4 years.

The RIPL offence is a considerable concerning problem. We start here at 8 months. The sentences for this must be realistic.

The grand total therefore for the offences on the Indictments is 4 years and 8 months as a starting point.

Mitigation

We have read a helpful and realist Probation report. You have received support in the past but reoffended. You did not comply with previous orders. You are in a population which presents with a high risk of re-offending. We note you have a Caesarean section booked for the 9th August of this year. Paragraph 16 of the report indicates that a custodial sentence will still allow for regular mother/baby contact.

We note, very carefully, the letters produced this morning. Your pleas provide credit. In your favour is the giving up of the PIN on the first Indictment. We have carefully considered the points made by your Advocate. You have had a hard life. But, also as stated, you re-offended on bail; and we also must note your young age. All in all, we are able to afford you a considerable discount, which seeks to fairly represent the amount of mitigation you have, of 50%. This is larger than would normally be the case, principally because of your age and personal circumstances. All relevant matters have been taken into account in sentencing.

Sentences

You cannot say you were not expecting significant custodial sentences. The consequences are your responsibility. As the Court of Appeal said in the case of Shakespeare: “While it is often tragic that a

parent is separated from his or her children by imprisonment, the separation results from the parent's illegal actions".

- In respect of the first Indictment, the sentence is 2 years' imprisonment.
- In respect of the second Indictment, the sentence is 2 years' imprisonment, concurrent.
- Total: 2 years' imprisonment.
- In respect of the RIPL offence on Count 2 of the second Indictment, the sentence is 4 months' imprisonment, consecutive.

So, the total sentence from today is **2 years and 4 months' imprisonment**.

Suspended sentences should be activated, unless in all the circumstances it is unjust to do so. You breached this sentence and have a history of failing to respond to earlier sentences. It is not unjust to activate it, because you reoffended. But, in view of the totality of the sentencing that has been passed and your personal mitigation, we activate it concurrently, so it does not add to the total – it is activated but concurrent.

- The total sentence therefore is **2 years and 4 months' imprisonment** with effect from today.
- Forfeiture and Destruction Orders as requested.
- Compulsory Supervision after release for one-quarter of the total sentence.

**J R Finch, O.B.E.
Lieutenant Bailiff**

2 August 2021