

Possession of a loaded air weapon, possession of a bladed article, commission of a RIPL offence and possession of a Class B drug.

[2021]GRC056

**ROYAL COURT
FULL COURT**

25 October 2021

**Before: John Russell Finch, Esq., O.B.E., Lieutenant Bailiff and Jurats:
Claire Helen Le Pelley, Terry John Ferbrache, Jonathan Grenfell Hooley,
David John Robilliard, Stuart Michael Crisp, Marilyn Jasmine King,
Paul Martin Burnard, Heather Reed.**

THE LAW OFFICERS OF THE CROWN

- v -

CALLUM JAKE LE POIDEVIN

**Crown Advocate C G Dunford appeared for the Crown
Advocate P Lockwood appeared for the Defendant**

LIEUTENANT BAILIFF:

Background

You appear here today for sentence on an Indictment containing five Counts:

- Count 1 - possession of a loaded air weapon;
- Count 2 - possession of a bladed article;
- Count 3 - a RIPL offence, failing to disclose information, 2 mobile phones;
- Count 4 - possession of a Class B controlled drug;
- Count 5 - possession of a Class B controlled drug.

The maximum penalties are:

- Count 1 - 5 years' imprisonment;
- Count 2 - 2 years' imprisonment;
- Count 3 - 2 years' imprisonment;
- Count 4 - 10 years' imprisonment;
- Count 5 - 10 years' imprisonment.

You pleaded guilty to Counts 3 to 5 and 'not guilty' to Counts 1 and 2. You were convicted of them after a contested trial on 16 September, 2021. You have been in custody since 21 November 2020, there were, we are told, other charges, on which you were acquitted.

You are now a 21 year old local man, who has been in work, with some previous convictions, including carrying a loaded air weapon in a public place and disorderly behaviour (on 17 May 2018).

The drugs are 5-8 grams, and if made into bottles, valued at between £600-£720. In the matter of dilution, we sentence on your basis, i.e., no further dilution, as the Prosecution have agreed.

Approach to Sentencing

You have given an account on Counts 1 and 2 which this Court has rejected. This, allied to the RIPL offence, which is Count 3, lead us to take an unfavourable view of your activities. Your explanation is wholly implausible, and as the Guernsey Court of Appeal have plainly said in a very recent decision, ‘you hid the information because it would have revealed your criminal activities’. We note the gun and knife were found in your car and gloves and a balaclava, plus a large sum of cash elsewhere.

However, the drug Counts, 4 and 5, are possession only, and we have to sentence on that basis. We consider it simpler to add all the offences together and come to a total figure, before going on to consider mitigation. This is because all the offences are facets, that is parts, of your overall criminality. The case has to be dealt with on its own facts, and we are in the best position to do so, having heard the evidence on the contested offences. We also bear in mind your relevant 2018 conviction.

We arrive at a starting-point, a total figure of 2 years’ imprisonment. We apply the totality principle.

Mitigation

Had you owned-up and pleaded ‘guilty’ to Counts 1 and 2, we would have given you a meaningful discount on them, but we do not add anything on for pleading ‘not guilty’. On the other three Counts, you pleaded ‘guilty’, but the discount on those is limited, as, in the circumstances you had very little alternative. You were a young person when you offended which we also note and we also note carefully what your Advocate has said to us, as well as the Probation report and the letters. Your Advocate accepts that custody is inevitable today. It cannot be ignored that you have been in custody since effectively the 21 November 2020.

All in all, we are prepared to give a discount of one-quarter on the total sentence, which will commence from 21 November 2020. We base this on the fact that you are 21, just over the age for Youth Detention, that you did work, and there is only one relevant conviction, which we have taken into account.

Sentence

We have said all we need to say about our view of these offences. If you persist, you will be in much greater peril of a substantial sentence, so we hope – and it is down to you – that you get the message. As mentioned, we sentence to reflect our view of your overall criminality and add the sentences together to produce the end result:

- Count 1 - 6 months’ imprisonment;
- Count 2 - 2 months’ imprisonment, consecutive;
- Count 3 - the RIPL offence, always a serious matter, 9 months’ imprisonment, consecutive;
- Counts 4&5 possession charges, 1 month imprisonment on each concurrent, but consecutive to the total.

- **Total** - **18 months’ imprisonment**, with effect from 21 November 2020.
- **Forfeiture and Destruction Orders**, as requested.
- **Compulsory Supervision** after release for one-quarter of the total sentence.
- There will be other Civil Proceedings in relation to the money found.

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

25 October 2021