

Possession of the Class B controlled drug, cannabis resin and failing to comply with a RIPL Notice issued by this Court.

**[2022]GRC016**

**ROYAL COURT  
FULL COURT**

**14<sup>th</sup> January 2022**

**Before: John Russell Finch, Esq., O.B.E., Lieutenant Bailiff and Jurats:  
David Percy Langley Hodgetts LVO (OStJ),  
David John Robilliard, Tina Jane Le Poidevin, Paul Martin Burnard,  
Felicity Jane Quevâtre-Malcic, Heather Reed, Simon Ernest Bodkin, James Robert Toynton.**

**THE LAW OFFICERS OF THE CROWN**

**- v -**

**BETHANY TOPLEY**

**Advocate R J Calderwood appeared for the Crown  
Advocate C J Fletcher appeared for the Defendant**

**LIEUTENANT BAILIFF:**

**Background**

You appear here today for sentence on an Indictment containing 2 Counts: possession of the Class B controlled drug, cannabis resin and failing to comply with a RIPL Notice issued by this Court. The maximum penalties are 10 years and 2 years' imprisonment respectively.

You are now a 21 year old local person, whom we treat as of previously good character, 20 when you offended. Covid has played a substantial part in delaying court proceedings since your arrest on 31<sup>st</sup> July 2020, which is, of course, not your fault. The Judge of the Magistrate's Court sent the case here on 12<sup>th</sup> July 2021. Early guilty pleas were indicated and you have been on unconditional bail throughout.

The offences came to light when a drugs warrant was executed at your family home. A total of 55.73 grams of cannabis resin, digital scales, a grinder and cling-film plus a bong used for cannabis and large amounts of cash were also found, as we have heard, a total £4,198, not the subject of today's proceedings.

Your iPhone was also seized and you refused to provide the pass-code so a Court Order was duly issued. You have continued to refuse it on the ground that it contained highly personal and sensitive material. The Prosecution very fairly responded, as we have heard, but it was never provided.

**Sentencing Considerations**

We emphasize that Count 1 is possession, albeit of a quite significant quantity and we deal with this on the charge before us, as possession. The Prosecution have said that they do not accept you refused to provide the code to avoid embarrassment and this is understandable. Your refusal to assist amounts to you volunteering to be sentenced for that offence.

We start at 12 months for the RIPL offence, the possession matter will be appropriately dealt with in another way as you will hear.

### **Mitigation**

We have considered what your Advocate has said and the documents produced on your behalf. We note your illegal use of cannabis and your attitudes to this law-breaking. We also note the medical report, which deals with your history and whilst noting your problems, states there is no evidence of psychosis and that you are stable at the moment. You fall in a portion of society that presents with a medium likelihood of re-offending and you have, the Probation report states, the capacity to make an informed choice about re-offending.

The main mitigation is your previous good character, early pleas of guilty and your age at the relevant time, although we note the evidence was strong. We afford you appropriate discounts.

### **Sentence**

Count 2 is a serious matter and the offence impedes the ability of Law Enforcement to detect drug-trafficking offences. As stated, this is a serious matter and will almost invariably call for an immediate custodial sentence. However, we have duly considered your background and personal mitigation and have given, in the judgment of the Court, appropriate credit for it.

- Dealing with Count 2 first, the sentence is 6 months' imprisonment from today, which we will suspend for 2 years.
- On Count 1 simple possession, which if it had stood on its own would have been dealt with in the Magistrate's Court, the sentence is 90 hours of Community Service as a direct alternative to 3 months' imprisonment, consecutive. That means that in the next year you will have to perform those 90 hours, every single minute or you get the 3 months.

If, during the course of the next 2 years you reoffend, and that is for any offence, you are likely to get your suspended sentence activated. So the total sentence today is:

- 6 months' imprisonment suspended for 2 years.
- 90 hours of Community Service as a direct alternative to 3 months' imprisonment, consecutive.
- Forfeiture and Destruction Orders as requested by the Crown for the drugs and iPhone.

So if you foul-up by reoffending or fail to comply, there is an extremely good chance that you will get the 'jackpot' of 9 months' custody whatever your personal problems are. That is the Order of the Court so you are walking now but if you come back before me again for anything, particularly drugs matters, the only walking you will be doing will be down the stairs and you must understand that. That is the Order of the Court.

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

**14<sup>th</sup> January 2022**