

Possession, supply and offering to supply the Class A controlled drug MDMA.

[2022]GRC062

**ROYAL COURT
FULL COURT**

24 March 2022

**Before: John Russell Finch, Esq., O.B.E., Lieutenant Bailiff and Jurats:
Stephen Murray Jones OBE, Claire Helen Le Pelley,
David James Mortimer, Joanne Marie Wyatt, Marilyn Jasmine King, Tina Jane Le Poidevin,
Heather Reed, Simon Ernest Bodkin, James Robert Toynton.**

THE LAW OFFICERS OF THE CROWN

- v -

THOMAS JORDAN SKILLETT

**Advocate J D McVeigh appeared for the Crown
Advocate A J Ayres appeared for the Defendant**

LIEUTENANT BAILIFF:

Background

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

- (i) Possession of the Class A controlled drug MDMA, maximum penalty 14 years;
- (ii) supply of MDMA to another, maximum penalty life; and
- (iii) offering to supply MDMA to another, maximum penalty life.

You are a 19 year old local man, 18 when you committed these offences. The Prosecution elected trial in this Court on 22nd November, 2021. You were committed for trial on the 5th January this year. An early indication of pleas was given. You have been on conditional bail throughout. You have one earlier non-drug related conviction.

The facts of this case are unusual. On 19th July, 2021 a security man at the De La Rue suspected drugs were being used in the beer garden. He warned that the Police would be alerted. You approached him and said, *"If you do notify the Police let me know so I can leave as I have pills on me"*. He told you this would be done, so as to keep you at the scene. He asked you how many you had, the reply being, *"I have about six or seven, but I've lost three"*. You were observed going downstairs to the toilet with another male and were told, *"If you're going to do what I think you're going to do, it's not happening in here"*. You replied, *"fair enough"* and you and the other person entered the North Plantation. To cut a long story short, as we heard from the Prosecution, you were observed passing this person something believed to be drugs. He left and you returned to the De La Rue.

The Police were alerted and you were arrested. The other male was also arrested and duly convicted of being in possession of 3 blue MDMA *"punisher tablets"* 1.12 grams. That person implicated you. You, on arrest, told the Police – *"I have some pills in my front left pocket"*. A tinfoil wrap was found, shown in the photographs, with traces of MDMA. This is Count 2 and that covers all the events just described.

At your home address, 0.12 grams of MDMA was found in your bedside table – this is Count 1.

Your mobile phone was examined, a drug supply related message was found. You conversed with a contact called 'Alexandra' - a price of £20 per tablet was mentioned. Hence you were offering for sale 20 Class A Ecstasy MDMA tablets for £20 each – "*I don't do any less than 20 beans for 20s*" – this is Count 3. When interviewed by the Police you lied your head off and did not help yourself one bit.

Sentencing Considerations

We are bound by the Guernsey Court of Appeal decision in Richards which we have to apply. You were a street dealer, but also plainly said that you didn't supply less than 20 on the phone. Class A drugs are the most serious category, so you were essentially a pretty low-level dealer for profit. Our task is to select a combined starting-point and the band of sentences the Court of Appeal laid down for offences involving up to 500 Class A tablets is 7-9 years. After we find an appropriate starting-point we then look for any applicable mitigation. In all the circumstances we go to the bottom of the band and select 7 years as a starting-point.

Mitigation

We note everything said by your experienced and able Advocate, the Probation report and the written materials. We take full account of your personal circumstances and delayed development. Also in your favour are the early pleas, your lack of drug-convictions or any custodial sentence and your age. The last factor means that you are subject to Youth Detention, not imprisonment. Youth can be a mitigating factor and we take it into account here. Your lifestyle was a factor in your offending. We also feel compelled to observe the stupid way you described your pill possession to the security man. This is not the mark of a criminal mastermind and we treat you also as effectively of good character. All that being said, this was a serious Class A drug and a decidedly unpleasant one. You were dealing at a low-level.

We give a generous discount in all the circumstances of appreciably over 50%. An older person, or someone with previous convictions that were relevant, would not get this discount, which amounts to almost two-thirds. A good part of this discount is down to you releasing your PIN number.

Sentence

We repeat, and the phone record shows, you were dealing in more than a couple of pills for profit. This sort of dealing is hard to detect and an important part of the scourge of drug misuse, which causes so much misery and trouble in the Island, and which we are well aware of. A custodial sentence is inevitable due to the seriousness of the offending, the need to deter others and suppress this criminal activity, ie to prevent this type of crime.

However, the Court has decided, in these highly unusual circumstances, to suspend the sentence. The sentences are as follows:

On the more serious counts – Count 2 and Count 3: on each, the sentence is 2 years' Youth Detention, concurrent. Total: 2 years

On Count 1, which was the simple possession of the small amount – 3 months' Youth Detention, concurrent.

In respect of Count 2 as an added penalty, there will be a fine of £1,000 with 50 days inside in prison if you default in payment. (Payment of the fine to be made within one month as generously agreed.)

Total: 2 years' Youth Detention from today, suspended for 2 years with the grounds previously given under the Youth Detention Law.

Forfeiture, Destruction and Confiscation Orders as requested.

For 2 years now, if you commit any offence at all, it need not be drugs, it need not be supplying gear, it could be anything that carries imprisonment. If you come back here you will be locked up as a suspended sentence is very much a last resort. For 2 years you have got to watch your step very closely. Another thing is that we have listened appreciatively to what your Advocate has said, but it can't be 'recycled' – you can only use it once. So I put it very clearly to you personally, if your ship comes in during the next 2 years, I will be on the dock waiting to punch your ticket and you will be walking not out of here, but down those steps with one of the gentlemen who comes in and assists the Court in security.

We also, in all the circumstances, and I hope the Prosecution note this, express our thanks to the security man for his contribution.

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

24 March 2022