

Supplying of a Class B drug, namely cannabis and cannabis resin to another, contrary to the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974, as amended.

[2023]GRC011

**ROYAL COURT
FULL COURT**

26th January 2023

**Before: Catherine Maureen Fooks, Judge of the Royal Court and Jurats:
Claire Helen Le Pelley, Jonathan Grenfell Hooley, Steven John Morris, David John Robilliard,
Stuart Michael Crisp, Marilyn Jasmine King, Paul Martin Burnard, Felicity Jane Quevâtre**

THE LAW OFFICERS OF THE CROWN

- v -

CALUM EDWARD STEER

Advocate J D McVeigh appeared for the Crown

Advocate S E Steel appeared for the Defendant

JUDGE OF THE ROYAL COURT:

Background

Mr Steer you have pleaded guilty to a single Count of being concerned, between May and December 2021, in the supplying of a Class B drug, namely cannabis and cannabis resin to another, contrary to the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974, as amended. The maximum penalty is 21 years' imprisonment.

The facts are that in December 2021, following your arrest on an unrelated matter, your mobile phone was seized. You provided the passcode for it. Examination of it revealed evidence in the form of messages of your being concerned with supply cannabis and cannabis resin. The Prosecution has read out a number of them. They show that you were actively involved in the business of buying and selling cannabis and had a number of customers. The Prosecution has assessed the financial benefit figure from your dealing at £3,100.

You are a local man of 22 years, nearly 23 years; you were 21 at the time of the offence. You left school with some qualifications but your employment record is sparse, no doubt affected by your offending and the period you have spent in custody, but also because you are currently signed off.

You have a large number of previous convictions for one so young, notably a number for violent or disorderly behaviour and in respect of which you have received sentences of Youth Detention, including a combined 12 month sentence on the 23rd July 2020. You were released in March 2021. Most recently you received a Community Service Order in June 2021 for disorderly behaviour. You have been on conditional bail throughout the proceedings.

Sentencing Considerations

Supplying of a Class B drug, namely cannabis and cannabis resin to another, contrary to the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974, as amended.

The sentencing guidelines applied by this Court to offences involving the supplying of drugs are contained in the guideline case of Richards, re-affirmed by the Guernsey Court of Appeal as current and appropriate as recently as 2021 in Barras, Watt & Orchard v Law Officers, 2021, GCA 045.

The lowest band for sentencing Class B offences is 3 to 6 years, covering amounts up to 2 kilograms. The Court has no quantity in respect of your offending, but will work on the basis that the starting point, before aggravating and mitigating factors of the offence, will be 3 years. There are aggravating factors in your case; your poor record, although we note there are no convictions for drugs, the fact that you have offended within two months of release from Youth Detention and whilst under supervision, and, we note, whilst subject to Community Service Order. We therefore set a revised starting point, before consideration of plea and personal mitigation at 3 years 3 months.

Mitigation

Plea

The Court must first consider the impact of your guilty plea on sentence. We afford you full credit for that plea.

Personal Mitigation

The Court has considered the thorough and helpful Social Enquiry Report prepared in respect of you. We have also listened to the realistic submissions of your Advocate, who has made every good point possible for you.

You are a young man; you were 21 at the time of the offence. We note, and take into account, that the offending came to light because you co-operated with Police by giving your passcode. You have accepted that your dealing was for financial gain to fund your own cannabis habit, which we are told is medicinal. You were, at the time, associating with others of like mind from whom you have now separated. You have stopped your involvement with illegal drugs. You have found new friends who live within the law. This demonstrates that you are finally beginning to mature. You have family support and you have demonstrated remorse.

We note the time that you have spent on bail and we note the likely loss of your home if you are imprisoned. Further, we take into account your mental health issues and your continuing struggle with your emotions, with which you need some professional help. The Social Enquiry Report identifies alcohol as a problem issue for you; it is positive that you are willing to address that issue through the Criminal Justice Substance Service, again this is a sign of maturity. You are assessed as having a high likelihood of re-offending, which we must take into account. We note that there is no request for a Drug Trafficking investigation in respect of you, at this stage.

Sentence

Those who deal with drugs in Guernsey have to expect sentences of immediate custody, which will only be suspended or replaced by Community Service Orders when the Court exercises the discretion referenced by your Advocate which will only be in exceptional circumstances.

We are persuaded that those circumstances exist in your case, namely your age, the fact that you gave your PIN to the Police which has resulted in this prosecution, and the fact that you are turning your life around and, specifically, that you are willing to address your issues. In your case, therefore, the Court is prepared to make a Community Service Order. That Order will be a sentence of 240 hours of unpaid work and it is imposed as a direct alternative to a sentence of imprisonment of 18 months. We note that you have signed a form stating that you understand the nature and effect of a Community Service Order, the power of the Court to review the Order and the consequence that may follow if you fail to comply with any of the requirements of the Order, or if you are convicted of a further offence, while the Order

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is in force. The Court is satisfied that provision can be made for you to perform work and that you are a suitable person to perform work. Please note, that if you fail to complete even one hour without a medical certificate or commit any other offence, you will be brought back before this Court and you will face going to prison.

Additionally, the Court considers it appropriate to make a Probation Order and it will do so for the period recommended in the Social Enquiry Report of 1 year. As set out in that report, over the period of time there will be an opportunity to gain a fuller understanding of your offending behaviour and for you to respond appropriately. Such an Order is imposed for the purpose of your rehabilitation, to prevent you from offending further and to protect the public. We are satisfied that you have had explained to you the purpose and effect of the Order and the powers that follow if it is breached, including the consequences thereof, but, in brief summary, it means that you must keep in contact with your Supervisor, in accordance with the instructions you will be given from time to time, notify your Supervisor of any change of address or working arrangement, not do anything to undermine the purposes of the Order and comply with the additional requirements and we are satisfied that an additional requirement should be added to the Order, namely, to attend the Criminal Justice Substance Service and comply with alcohol treatment and testing, as directed. If you were to fail to comply with any requirement you would be liable to be returned to Court, which has the powers to continue the Order, with or without variation, to fine you or even to revoke the Order and to resentence you.

You have deliberately involved yourself in dealing drugs which you knew you were illegal and carried the risk of a prison sentence. You are showing some signs of taking responsibility for your actions and of maturity. You have taken steps towards a new and better life. This will be your one and only chance; it is in your hands.

The Crown's application pursuant to section 3 of the Police Property and Forfeiture (Bailiwick of Guernsey) Law, 2006, which was not opposed, for forfeiture of the lawfully seized black iPhone 12, valued at between £350 and £400, which relates to the offence, is also granted.

So, Mr Steer in summary, you have a sentence of:

- Community Service of 240 hours, the direct alternative to 18 months' imprisonment;
- together with a 1 year Probation Order, and;
- your iPhone has been forfeit.

As I say, it is in your hands.

Catherine Maureen Fooks
Judge of the Royal Court

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