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ROYAL COURT
(Samedi Division) 159.

9th September, 1996

Before: F.C. Hamon, Esq., Deputy Bailiff, and Jurats Blampied, Myles, Bonn, Le Ruez, Vibert, Herbert, Rumfitt, Potter, de Veulle, Jones and Quérée

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The Attorney General

- v -

Darren Michael Rennie
John Richard Williams

Sentencing by the Superior Number of the Royal Court, to which the accused were remanded by the Inferior Number on 23rd August, 1996, after entering guilty pleas to the following charges:

DARREN MICHAEL RENNIE

3 counts of	**supplying a controlled drug (MDMA/MDEA), contrary to Article 5(b) of the Misuse of Drugs (Jersey) Law, 1978 (counts 1, 2, 3);**
2 counts of	**possessing a controlled drug (MDMA/MDEA), with intent to supply it to another, contrary to Article 6(2) of the said Law (counts 4, 5).**

Age: 25.

Details of Offence:

Found in possession at a nightclub of six tablets. Thirty further tablets found at his home after search. Defendant made unsolicited admission of being involved in the supply of 200 tablets [four batches of fifty] over a three month period, the tablets found in his possession forming part of the latest batch of fifty.

Details of Mitigation:

Save for the counts relating to the tablets found in his possession the other counts arose solely because of his unsolicited admissions and could not have been brought without those submissions. No previous convictions. Guilty plea.

Previous Convictions: None.

Conclusions:

Count 1 : 4½ years' imprisonment.
Count 2 : 4½ years' imprisonment, concurrent.
Count 3 : 4½ years' imprisonment, concurrent.
Count 4 : 4½ years' imprisonment, concurrent.

Count 5 : 4½ years' imprisonment, concurrent.
Starting point 8 years, less 3½ years.

Sentence and Observations of the Court:

Count 1 : 4 years' imprisonment.
Count 2 : 4 years' imprisonment, concurrent.
Count 3 : 4 years' imprisonment, concurrent.
Count 4 : 4 years' imprisonment, concurrent.
Count 5 : 4 years' imprisonment, concurrent.

JOHN RICHARD WILLIAMS:

1 count of possessing a controlled drug (MDMA/MDEA), contrary to Article 6(1) of the Misuse of Drugs (Jersey) Law, 1978 (count 6).

Age: 25.

Details of Offence:

Found in possession at a nightclub of four tablets.

Details of Mitigation:

Small number of tablets - possibility of reform.

Previous Convictions:

Driving with excess alcohol in July, 1994. Fined.

Conclusions:

1 year's probation, with 100 hours community service and attendance at drugs awareness course.

Sentence and Observations of the Court: Conclusions granted.

A.J.N. Dessain, Esq., Crown Advocate.
Advocate J.D. Melia for D.M. Rennie.
Advocate D.M.C. Sowden for J.R. Williams.

JUDGMENT

THE DEPUTY BAILIFF: On Saturday 20th April, 1996, police officers carrying out routine licensing duties in 'Madisons' nightclub arrested the two accused. Williams had four ecstasy tablets in his trouser pocket wrapped in cigarette foil and Rennie had six.

That night a search warrant was obtained and at the property at Byron Lane occupied by the two accused a search with a sniffer dog was carried out. Nothing was found in Williams' bedroom, but in Rennie's bedroom 29 whole ecstasy tablets and two halves were found in a cellophane bag with suspected deal lists.

Rennie at that point made an unsolicited statement *"I received 50 tablets today. I have sold four. Most of them were sold in the 'Café de Paris' this evening. I purchased them at £13 each"*. Later he confirmed his peddling the drugs both at the 'Café de Paris' and at 'Rumours' nightclub. He said that he had supplied 200 ecstasy tablets during a three month period prior to his arrest. He further admitted that some of the documents seized were deal lists. He has, in that regard, been forthcoming to the police with details of his dealing but he has not named his supplier. He is still in his early 20's; he has pleaded guilty; and, in effect, as Miss Melia has said, wrote his own indictment on counts 1, 2 and 3.

In the case of Campbell, Molloy & MacKenzie (4th April, 1995) Jersey Unreported the Court of Appeal laid down guidelines which of course we intend to follow. Rennie's 36 ecstasy tablets and 200 which he admitted supplying makes this trafficking of Class A drugs on a commercial scale.

We cannot, following the guidelines of the Court of Appeal, take a starting point of less than 7 years and we feel safe in taking the starting point of 8 years suggested by the Crown. Rennie had pleaded guilty at an early stage, although he had little alternative. The Crown Advocate has given a two year discount for that. We think that is right because of the circumstances of the admissions made when the plea of guilty was entered.

Williams has pleaded guilty to the possession of four ecstasy tablets. His explanation of how they came into his possession is colourful. We have read the social enquiry report and the careful judgment of the Superior Number in A.G. -v- Buesnel (21st August, 1996) Jersey Unreported, which we find of considerable assistance because, where the circumstances allow, we are as a sentencing court now able to look more closely at the individual than we were empowered to do hitherto.

The amount of ecstasy (MDMA/MDEA) held at one time by Rennie would have had a street value of approximately £4,000. Rennie is 25 years old, has no previous convictions, but as I have said, this was trafficking on a commercial scale.

The mitigation is based on the co-operation of Rennie and Miss Melia referred us to A.G. -v- Plowright (13th February, 1996) Jersey Unreported, and A.G. -v- Bisson, Crocker, Pritchard & Spencer (11th April, 1996) Jersey Unreported, where different starting points were taken. We find, we must admit, comparisons of this kind difficult because we just do not know what the meaning of full co-operation was in some of those cases cited to us. But we have, perhaps, paid careful attention to the full confession which Rennie made to the police.

We will deal with Williams first; he has only one previous conviction, not drugs related; he is charged with possession and there is clearly hope in the social enquiry report from the remorse he has shown that he may and probably will reform. Williams, will you stand up, please. We are going to sentence you as has been recommended by the Crown Advocate to 1 year's probation with 100 hours community service and you must attend the drugs awareness course.

Rennie, will you stand up, please. We are going to reduce slightly the conclusions of the Crown Advocate and we are going to sentence you to 4 years' imprisonment on each count, concurrent. We further order the forfeiture and destruction of the drugs.

Authorities

A.G. -v- Plowright (13th February, 1996) Jersey Unreported.

A.G. -v- Bisson, Crocker, Pritchard and Spencer (11th April, 1996) Jersey Unreported.

A.G. -v- Buesnel (21st August, 1996) Jersey Unreported.

A.G. -v- Doyle (8th March, 1996) Jersey Unreported.

Campbell, Molloy and MacKenzie (4th April, 1995) Jersey Unreported CofA.