

ROYAL COURT  
(Samedi Division)

87.

8th May, 1996

Before: The Deputy Bailiff and Jurats  
Myles, Orchard, Le Ruez, Vibert, Herbert,  
Potter, de Veulle.

The Attorney General

- v -

Rodney Julian Bevis,  
Gary John Bateman.

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Sentencing by the Superior Number of the Royal Court, to which the accused were remanded by the Inferior Nun on 22nd March, 1996, following guilty pleas to the following counts:

Rodney Julian Bevis.

Age : 27.

- 2 counts of supplying a controlled drug, contrary to Article 5(b) of the Misuse of Drugs (Jersey) Law, 1978:  
Count 1 : M.D.M.A.  
Count 2 : cannabis resin.
- 1 count of possessing a controlled drug (M.D.M.A.), with intent to supply it to another, contrary to Article 6(2) of the said Law (count 3).
- 1 count of possessing a controlled drug (cannabis resin), contrary to Article 6(2) of the said Law (count 4).

Details of Offences:

Prior to his arrest had taken possession of 5 nine ounce bars of Cannabis Resin and 70 Ecstasy tablets. Had sold 3 1/2 bars of Cannabis Resin and stated that he was holding the tablets and remainder of the Cannabis for his supplier. Whilst on remand had arranged for a friend to collect the Cannabis and tablets to return same to his supplier. Also admitted using three to four Ecstasy tablets a week and between 1/4 ounce and 1/2 ounce of Cannabis a week. Total street value of drugs between £9,065 and £9,340.

Details of Mitigation:

This Defendant had a drugs problem and wished for professional help. Plea of guilty and co-operation with police. Only acting as a "minder" - remorse.

Previous Convictions:

Numerous previous convictions dating back to 15th June, 1982. Most importantly Bevis was convicted on 17th April, 1993, for, inter alia, the supply of Class A drugs and received a four year sentence therefor.

Conclusions:

Count 1 : 6 years' imprisonment.  
Count 2 : 2 years' imprisonment, concurrent.  
Count 3 : 6 years' imprisonment, concurrent.  
Count 4 : 3 months' imprisonment, concurrent.  
TOTAL : 6 years' imprisonment.

Sentence and Observations of the Court:

Conclusions granted.

This was a very serious case particularly as the Defendant had only just been released from prison and had begun dealing in Class A and B drugs almost immediately. Court will not deviate from its stated policy and confirmed that 9 years' imprisonment was the proper starting point.

Gary John Bateman.

Age : 24.

1 count of supplying a controlled drug (amphetamine sulphate), contrary to Article 5(b) of the said Law (count 5).

1 count of possessing a controlled drug (amphetamine sulphate) with intent to supply it to another, contrary to Article 6(2) of the said Law (count 6).

3 counts of possessing a controlled drug, contrary to Article 6(1) of the said Law:

Count 7 : amphetamine sulphate.  
Count 8 : cannabis resin.  
Count 9 : amphetamine sulphate.

1 count of possessing utensils for the purposes of committing an offence, contrary to Article 8 of the said Law (count 10).

Details of Offences:

Admitted purchasing 30 tablets which he believed to be Ecstasy at a cost of £18 each and sold on for between £20 and £25 each. In possession of 9½ tablets at the time of arrest. Upon analysis tablets found to be Amphetamine Sulphate - total street value £950.

Details of Mitigation:

Plea of guilty - first offender volunteered information.

Previous Convictions: None.

Conclusions:

Count 5 : 1 year's imprisonment.  
Count 6 : 1 year's imprisonment, concurrent.  
Count 7 : 3 months' imprisonment, concurrent.  
Count 8 : 3 months' imprisonment, concurrent.  
Count 9 : 3 months' imprisonment, concurrent.

Count 10 : 1 month's imprisonment, concurrent.  
TOTAL : 1 year's imprisonment.

Sentence and Observations of the Court:

Conclusions granted.

The Court hoped that Bateman would benefit from the help being given to him - could not fault the conclusions of the Crown.

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D.E. Le Cornu, Esq., Crown Advocate.  
Advocate S.A. Meiklejohn for Bevis.  
Advocate J. Speck for Bateman.

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JUDGMENT

5 THE DEPUTY BAILIFF: Bevis is charged with two counts of supplying  
drugs (count 1: M.D.M.A.; count 2: Cannabis Resin); with one count  
of possessing Ecstasy with intent to supply, (count 3); and with  
one count of possessing Cannabis Resin (count 4). Bateman is  
10 charged with one count of supplying Amphetamine Sulphate (count  
5); with one count of possessing Amphetamine Sulphate with intent  
to supply (count 6); with three counts of possessing drugs  
(Amphetamine Sulphate (counts 7 & 9) and Cannabis Resin (count  
8)); and with one count of having utensils for the purpose of  
committing an offence (count 10) under the Misuse of Drugs  
(Jersey) Law, 1978.

15 The offences came to light because two police officers  
received a tip-off on 3rd November, 1995, that Bevis and Bateman  
were dealing in drugs inside the "Merchant Trader" public house.  
They were arrested near the toilets of that public house and found  
in possession of certain drugs. After arrest Bevis was found to  
have £211 in cash and Bateman £118.90 in cash on their persons.

20 At Bateman's address more drugs were found and certain  
paraphernalia consistent with this dreadful trade, together with  
what appeared to be a dealing list. A search of Bevis' address  
also revealed what appeared to be a dealing list. Bevis had been  
25 released from prison only twelve weeks earlier. He had been  
sentenced to a total of four years' imprisonment for supplying LSD  
and possession of drugs. Both men initially gave unsatisfactory  
explanations as to their involvement in the drug trade and it took  
a considerable amount of police time before a truer picture  
30 emerged. Eventually Bateman admitted that he had purchased 30  
Ecstasy tablets at a cost of £18 each and he had sold them for

between £20 and £25 each. He refused to name his supplier or name the persons to whom he had supplied the tablets.

5 Sometime later in the day Bevis also eventually admitted to the offences. The extent of his dealing and possession of illegal substances was considerable; the street value of the Ecstasy in which he had been involved by way of supply or possession with intent to supply amounted to £1,400 and the Cannabis Resin to £7,200. In addition he had admitted to using three to four 10 Ecstasy tablets and between 1/4 oz. and 1/2 oz. of Cannabis Resin a week. Therefore, between £425 to £700 can be added to the above figures making a surprisingly large total of between £9,065 and £9,340.

15 Let us deal with Bateman first. We cannot fault the conclusions of the Crown Advocate and indeed Bateman your counsel did not - and we think quite properly - attempt to argue with them in any material way. We would hope that you will benefit not only from the counsel and help that you have been given while you have 20 been in custody but by the support that those outside of prison appear to be prepared to give you in the future.

25 With Bevis we must adopt a somewhat different approach. We have considered very carefully everything that has been said - and most notably said, if we may say so, - on his behalf. Our difficulty that he received a sentence of four years' imprisonment for similar offences in 1993 and he was only released on 26th July, 1995. This was a very serious case and we can only refer once again to the words, which are so often repeated in this Court, 30 which are those of the Court of Appeal in Campbell, Molloy, and MacKenzie -v- A.G. (4th April, 1995) Jersey Unreported, where reference was made to the case of Fogg. The Court of Appeal in that case said this:

35 *"Fogg had been arrested in possession of 1,000 units of LSD. He had arrived in the Island only a short time before his arrest. Within a few hours he had received this large quantity of LSD and had set about selling it. He was also sentenced at the same time for other offences 40 involving the possession and supply of cannabis. He was a mature man with one previous conviction for a drugs offence. In our judgment the appropriate starting point for a case of drug trafficking of that nature would now be one of twelve years' imprisonment. If the involvement of a defendant in drug trafficking is less than that of Fogg, the appropriate starting point will be lower. If the 45 involvement of a defendant in drug trafficking is greater than that of Fogg the appropriate starting point will clearly be higher. Much will depend upon the amount and value of the drugs involved, the nature and scale of the activity and, of course, any other factors showing the 50*

*degree to which the defendant was concerned in drug trafficking".*

5 As we say, this was a serious case. We have considered very  
carefully the cases of A.G. -v- McHardy (15th November, 1995)  
Jersey Unreported and A.G. -v- Seddon (30th October, 1995) Jersey  
10 Unreported, with a starting point of five years but in each of  
those cases there were factors which can clearly be distinguished  
from this case. This case is, in our view, particularly serious  
because of the course that the events took; the value of the  
15 drugs; the fact of dealing so soon after he had come out of  
prison; the circumstances in which he was arrested and  
particularly the letter that was sent while he was in custody from  
the prison.

15 We have to say this: despite all the matters that have been  
said on his behalf - and we sympathise very greatly with those  
outside who have to watch what is happening to someone that they  
are particularly fond of - this Court will not, except in  
20 exceptional circumstances, deviate from its stated policy and we  
are quite satisfied that 9 years is the proper starting point. As  
the Crown Advocate has said, Bevis eventually co-operated but of  
course without naming his suppliers and eventually he pleaded  
guilty. We have carefully considered all the matters in the  
25 Probation Report and the helpful counsel from Father Cousins but  
we do not intend, in this case, to deviate from the conclusions of  
the learned Crown Advocate.

30 Bevis and Bateman, will you both stand up, please. Bevis, on  
count 1, you are sentenced to six years' imprisonment; on count 2,  
to 2 years' imprisonment, concurrent; on count 3, to 6 years'  
imprisonment, concurrent; on count 4, to 3 months' imprisonment,  
concurrent, making a total of 6 years' imprisonment. We order the  
forfeiture and destruction of the drugs.

35 Bateman, on count 5, you are sentenced to 1 year's  
imprisonment; on count 6, to 1 year's imprisonment, concurrent; on  
count 7, to 3 months' imprisonment, concurrent; on count 8, to 3  
months' imprisonment, concurrent; on count 9, to 3 months'  
40 imprisonment, concurrent; on count 10, to 1 month's imprisonment,  
concurrent, making a total of 1 year's imprisonment. Again, we  
order the forfeiture and destruction of the drugs.

Authorities

Campbell, Molloy, and MacKenzie -v- A.G. (4th April, 1995) Jersey  
Unreported CofA.

A.G. -v- Seddon (30th October, 1995) Jersey Unreported.

A.G. -v- Chadwick (30th October, 1995) Jersey Unreported.

A.G. -v- McHardy (15th November, 1995) Jersey Unreported.