

**ROYAL COURT  
FULL COURT**

**15 January 2019**

**Before: Richard James McMahon, Esq., Deputy Bailiff and:  
Stephen Murray Jones OBE, David Percy Langley Hodgetts LVO, Niall David McCathie,  
Jonathan Grenfell Hooley, Jurat David James Mortimer, Jurat Joanne Marie Wyatt, Peter  
Francis Gill, David John Robilliard, Marilyn Jasmine King, Jurats.**

**THE LAW OFFICERS OF THE CROWN**

- v -

**Adam James WARDROP**

**Advocate G S Perry appeared for the Crown**

**Advocate L C Roffey appeared for the Defendant**

**DEPUTY BAILIFF:**

**Background**

Adam Wardrop, you appear today to be sentenced in respect of an Indictment containing two Counts relating to the events of 28 September 2018. The first Count is in respect of your escape from lawful custody at the Princess Elizabeth Hospital and the second Count concerns doing an act tending or intending to pervert the course of justice because, having run away when you were suspected of having internally concealed controlled drugs, you locked yourself in a lavatory and disposed of whatever it was you rid yourself of through a bowel movement, thereby frustrating the investigation into that suspected offence.

Both of these are common law offences, which means that sentence is at large and so you face life imprisonment for each offence.

You were 47 when you committed these offences, although you have subsequently had a birthday. You are from England and have worked as a fork lift driver, although you had been claiming benefits for a period before you made your trip to Guernsey. We have noted that in September 2007 you received sentences of 3 years' imprisonment for possession with intent to supply cocaine and heroin and that other sentences have been imposed for dishonesty offences and for reacting adversely when apprehended by law enforcement personnel.

You have been in custody throughout these proceedings, having first been arrested and detained on 26 September 2018 as part of the investigatory process.

**Sentencing Considerations**

We regard both Counts as inter-related and so concentrate on the totality of what took place. Having been apprehended on your arrival off the ferry, you began confidently spinning various tales about

your reason for coming to Guernsey. These versions became inconsistent and you chose to mislead the officers questioning you as to your involvement with controlled drugs. Once you were taken to the hospital, we find you were looking for a way to avoid the consequences we are confident you knew would result from the analysis of whatever it was you had inside you. The fact that you vaulted over the balustrade in the area at the hospital where you were exercising and dropped approximately six metres before making to the lavatory was clearly the act of a desperate man.

You now say that the two packages internally concealed contained cannabis for your personal use. We are not minded to believe your assertion. The fact that you had so little money on you when you were detained leads us to infer you expected to make money from what you were importing. Further, your recent history points just as much to the substance you concealed being, at least in part, a Class A controlled drug. However, we do not know one way or the other because of the manner in which you frustrated the investigation of the offence you now concede you had committed.

Having regard to the guidelines set by the Court of Appeal in *Richards*, even if we accepted your version, the starting point for an importation of up to 2 kilograms of cannabis is 3 to 6 years' imprisonment. If it were between 1 and 20 grams of a Class A drug in powder form, the starting point increases to 7 to 9 years. Internal concealment would be an aggravating factor. We have borne those potential sentences in mind on the basis of informing the sentencing exercise to which you would have been exposed had the investigation run its course and you were before the Court today for the drug importation.

You also suggest that your action was spontaneous because of your need to defecate and your wish not to be observed in that activity. Once again, though, we do not believe you. We note that you chose not to eat when encouraged to do so and that your overall actions were to delay having a bowel movement. We are satisfied that you were delaying the inevitable whilst looking for a means to do what you then did and made the leap over the balcony fully intending to do what you did. In our view, you calculated that this was the best opportunity to avoid being dealt with for what was actually inside you.

Offences of escaping from lawful custody are rare in Guernsey. When coupled with what we find to be a deliberate act of frustrating an investigation into a suspected, and now admitted, drug importation through concealment, which is an unpleasant enough investigation for all concerned in it, we treat your offences most seriously. Because this was not a case in which you were already a serving prisoner, broke prison and went on the run for a number of days, there are no real examples from elsewhere of how long a sentence might be appropriate for this escape. Instead, we find that your escape was the prelude to you having the chance to use a lavatory unobserved and so destroy the evidence of whatever it was inside you. That is where the seriousness of your offending lies.

Perverting the course of justice is always regarded as a serious offence. Those involved in the criminal justice system, be they investigators or the courts, rely on people behaving in a responsible way and not seeking to subvert the system. You knew the ramifications of importing a controlled drug into Guernsey and, when caught, set out if at all possible to avoid the consequences of having done so. As a result, this Court has been deprived of the level of certainty that comes from an analysis of the type of drug involved in the importation and its quantity.

We have concluded that these offences clearly pass the custody threshold and that only a substantial sentence of immediate custody can follow. We have fixed our starting point for the offences taken together at above the sentence that might have resulted from a completed investigation. Given the aggravating factors of your previous convictions and the internal concealment, that starting point would be subject to significant increase and may have been towards the higher end of the *Richards* guidelines starting point. However, because you are here for perverting the course of justice through deliberately frustrating the investigation, we consider the starting point for the offences can properly be increased again, and choose the starting point of 7½ years' imprisonment. In doing so, we are conscious that in drink-drive offence investigation, the offence of failing to provide a specimen for

analysis generally has an enhanced starting point above the statutory minimum because of the way that being unco-operative with the investigation leads to the suspicion that it would have been far worse had a reading been taken. It is not a perfect analogy, but explains our thinking of how to view the culpability and harm of the offences you have admitted.

For the purposes of selecting a starting point, we treat the escape from custody as an aggravating factor within the context of the more serious offence of perverting the course of justice and repeat that we have had regard to the totality of what took place.

### **Mitigation**

We have listened carefully to everything that has been said about you and on your behalf by Advocate Roffey. We have read everything set out in the Probation Report. In particular, we note the assessment that you pose a high likelihood of re-offending, but that there is no risk of you causing serious harm to the public.

The comments made about you indicate that there appears to be a correlation between you managing to stay out of trouble when things are going well and that you slip back into relying on substance misuse when things turn bad. Given that you have been imprisoned in England for drug-related offending the Court has limited sympathy for you in relation to your exploits in September last year.

### **Sentence**

Mr Wardrop, what you did was stupid and dangerous. The probation report leads us to conclude that you have no respect for those who enforce the law. It is not “*a game*” and if you continue to flout authority in this way you will inevitably land yourself in trouble again. If you had really thought you would just get a telling off, you would not have acted as rashly and desperately as you did. This Court is satisfied that you were well aware of the dire consequences you were facing and so have acted so as to minimise your offending by destroying the evidence that would have best fixed the sentence you should receive. However, we take the view that we must treat you at the minimum as if you were being sentenced as a drug importer and regard your frustration of the investigation as deliberate obstruction on your part, which makes the position even worse. From the starting point of 7½ years, having regard to your guilty pleas, albeit that they were inevitable, we have reduced your sentence by the full one-third, but find there is little other mitigation in your case.

We will start with the more serious offence. In respect of Count 2 (doing an act tending or intending to pervert the course of justice), you are sentenced to 5 years’ imprisonment. That period will run from 26 September 2018, which is when you were first detained.

Because we have already taken into account in that sentence your escape from lawful custody, adopting the totality principle, we have chosen not to impose any separate penalty in respect of Count 1.

The total sentence is, therefore, 5 years’ imprisonment running from 26 September 2018.

In accordance with section 1 of the Criminal Justice (Supervision of Offenders) (Bailiwick of Guernsey) Law, 2004, upon release (or completion of any Parole period if applicable), you will be subject to supervision by the Probation Service for a period equal to one quarter of the total sentence or the period you would have served had you not received remission, whichever is less. If you fail to comply with the conditions of the supervision, you will be liable to further imprisonment, a fine, or both.

**Richard McMahan**  
**Deputy Bailiff**

**15 January 2019**