

**ROYAL COURT
FULL COURT**

14 May 2019

**Before: Richard James McMahon, Esq., Deputy Bailiff and:
Claire Helen Le Pelley, David Percy Langley Hodgetts LVO, Terry John Ferbrache,
Steven John Morris, David James Mortimer, Joanne Marie Wyatt, Alan Stevenson Boyle, Peter
Francis Gill, Marilyn Jasmine King, Jurats.**

THE LAW OFFICERS OF THE CROWN

- v -

LUKE EASTON

Advocate J McVeigh appeared for the Crown

Advocate S E Steel appeared for the Defendant

DEPUTY BAILIFF:

Background

Luke Easton, you have pleaded guilty to an Indictment containing a single count, which involves being knowingly concerned in the fraudulent evasion of the prohibition on importation of a controlled drug of Class B, being cannabis resin, contrary to section 77 of the Customs and Excise (General Provisions) (Bailiwick of Guernsey), Law, 1972, as amended. This offence carries a maximum penalty of 21 years' imprisonment.

This offence took place on 16 January 2019, when you were stopped after disembarking from the inbound flight from Exeter. When searched, you had a block of 93.23 grams of cannabis resin underneath a white tubular bandage on your lower right calf. You now acknowledge that your original claim that this was for your personal use was false and that it was part of a commercial importation. The street value of this cannabis is put at between £1,866 and £2,796.

At the time of this offence you were 28 years old and have since had a birthday. You are an Englishman, who was living in Devon and, although occasionally employed, you had been on benefits for the two years prior to committing this offence. You have a long list of previous convictions, all in England, most relevantly including a number for possession of controlled drugs over the last six years, where the penalties imposed are consistent with small amounts for personal use being involved.

You have been in custody since your arrest on 16 January this year.

Sentencing Considerations

In 2002, sentencing guidelines for drug trafficking offences were established by the Court of Appeal in the case of *Richards*, to which this Court is obliged to have regard.

For a drug trafficking offence involving cannabis resin where the weight is below 2 kilograms, the guideline starting point is in the range of 3 to 6 years' imprisonment.

Given the comparatively small amount being imported by you, we are minded to choose a starting point of 3 years' imprisonment. In doing so, we accept your explanation that you were acting under direction of others, the method of concealment was not particularly sophisticated and that your decision to participate in this venture was motivated by the promise that it would see your personal drug debt discharged and the threats to your family and so do not consider that there are any particular aggravating factors in your case.

Mitigation

We have listened carefully to everything that has been said about you and on your behalf by Advocate Steel. We have carefully considered the content of the helpful Probation Report. We have particularly noted the assessment made of you that there is a very high likelihood of you re-offending, although this is influenced by historical factors over which you have no control but also about your attitude to crime and drug and alcohol misuse. If your extended stay in custody enables you to re-assess your attitude and realise how misguided you have been, it may turn out to be a positive experience for you. We note further that there is apparently no risk of harm to others through violence. We have had regard to the content of the supportive letters, mostly from members of your family that have been submitted to the Court on your behalf.

Although it was inevitable in the circumstances in which the cannabis was discovered, you are entitled to full credit for your early guilty plea. Had you been more forthcoming about your involvement from the outset, your situation may have been viewed more generously.

What has been said about you paints a rather depressing picture. You have spent almost half of your life as a drug-user. Being a courier of drugs for others has been addressed by the Court of Appeal in, eg, *Richards*, where the approach that the courier who knowingly transports illegal drugs must be taken to accept the consequences of his actions was endorsed. Similarly, the impact of the pressure under which you say you acted has to be placed into its proper context. For example, in *Mather and Cooper* in 1999, the Court of Appeal indicated that "*Leniency by Courts to reflect mitigation of pressure or dependency would, in our view, inevitably result in dealers using the services of those susceptible to threats or blandishments more frequently than at present and would tend to increase rather than to decrease the availability of drugs within the Bailiwick.*". As a result, aside from your remorse, as set out particularly in your own letter to the Court and your promise that this experience has taught you a lesson, there is little further personal mitigation in your case that we can find and has already been taken into account with your plea.

Sentence

Anyone who plays a part in the drugs supply chain has to face the consequences of their role. We remain of the view that the deterrent effect of the sentences passed by this Court remains a relevant factor for us because drug-related offending continues to be a blight on society. Your attempts to downplay your involvement through claiming that this was the amount of cannabis you would consume over a fortnight, which is the time you indicated you were planning to stay in Guernsey, was woefully misplaced and since abandoned. You may have been looking for an easy way out of the debts you had run up and feared the consequences of refusing to act as a courier, but the outcome remains the same – had your importation succeeded, the drug stock on the Island would have increased. Belatedly, you have turned to your family for help. As you now realise, they are all affected by your offending.

We cannot, though, adopt the suggestion of those who have written on your behalf to allow you to be released today. Only a significant term of immediate imprisonment can properly follow from your

actions, however stupid you now realise they were and whatever the ongoing effect on your family. In respect of this single Count, we are satisfied that the custody threshold has been passed and, having regard to the mitigation advanced on your behalf, we sentence you to 2 years' imprisonment, to run from 16 January 2019, which is when you were first detained.

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.

The Court encourages you to use your time in prison well and to take advantage of the various opportunities for assistance available so that the positive stance you indicate you plan to take with your life has the greatest likelihood of happening.

There is no request on behalf of Her Majesty's Procureur for a drug trafficking investigation.

The forfeiture and destruction orders in respect of the cannabis and packaging, all as seized when you were detained, and that are sought by the Crown are granted.

Richard McMahon
Deputy Bailiff

14 May 2019