

**ROYAL COURT  
FULL COURT**

**13 June 2019**

**Before: Judge J R Finch OBE, Judge of the Royal Court and:  
Barbara Jean Bartie, Stephen Murray Jones OBE, David Allan Grut,  
Steven John Morris, Peter Francis Gill, David John Robilliard, Stuart Michael Crisp,  
Marilyn Jasmine King, Peter Séan Trueman Girard, Jurats.**

**THE LAW OFFICERS OF THE CROWN**

- v -

**KATY EMMA THOMASON**

**Advocate J McVeigh appeared for the Crown**

**Advocate C Fletcher appeared for the Defendant**

**JUDGE OF THE ROYAL COURT:**

**Background**

You appear here today for sentence on an Indictment comprising one count of unlawfully supplying the Class C controlled drug Buprenorphine to another. The maximum sentence is 14 years' imprisonment.

You are a 49 year old local person, with a previous conviction for failing to disclose a change in circumstances to Social Security. On the 19<sup>th</sup> January 2017 you were conditionally discharged for 2 years. You are in breach of that Order.

The history of this case is more complex than usual. You were arrested with your son, who is serving a sentence at the States' Prison. You entered a 'Not Guilty' plea on 29<sup>th</sup> January 2018 and the case was adjourned for trial. Your Advocate then subsequently indicated a change of plea on the 21<sup>st</sup> February 2019 and this was entered on the 29<sup>th</sup> February 2019. A Newton hearing when the evidence would be heard was not thought necessary. You have been on unconditional bail throughout.

The drugs, the subject matter of the charge, are two cling-film wraps, one with, we accept, 4 tablets, the other 0.18 grams of powder. The tablets' street value is given in Guernsey and we revise this to around £200 - £400. You passed the items to your son during a visit and we have seen the CCTV footage which you were shown when interviewed by the Police for a second time. You were, we heard, obstructive to the investigation and lied your head off. Your denials have, as has been stated, protracted the matter.

**Sentencing Considerations**

Over the past few years we have seen a considerable upsurge in Class C drugs cases. We have decided to sentence on the basis of one-half of the sentences set-out for Class A drugs in the leading

case of Richards. If we aggregate the two wraps that would lead us to a starting-point of 3 years and 6 months' before we consider relevant mitigation.

But before we look at the starting-point, we need to, as always, consider the individual circumstances of the case. Sentencing is never a purely mathematical exercise. People who are locked up in the States' Prison are meant to be drug-free. We can take notice of the fact that whilst the drug problem there is not yet (and hopefully never will be), on the scale portrayed in the UK, it is still something the authorities have to be aware of and deal with, frequently by internal adjudications. One thing they do try to do is to wean people off drugs in the hope that they come out clean and stop committing offences. There are English Court of Appeal Authorities, which whilst not binding on us are instructive and, in our respectful opinion, helpful. R v Bower (2002) 1 Cr App R (S) 111. The message has to go out (the court said), to those who succumb to threat or persuasion to take drugs into Prison that "if they do so they will lose their liberty for a very long time indeed. Good character and absence of previous convictions notwithstanding". R v Rogers [2007] EWCA Crim 2438, a cannabis case. Deterrent sentences are imposed on those who take drugs into Prison and R v Akhtar [2008] EWCA Crim 791. Those who attempt to supply drugs to prisoners require exemplary sentences. Drugs within a Prison, even when not hard, are entirely inimical to the rule of law within a Prison. Offenders who bring drugs in are dealt with by extremely harsh sentences. People have to be deterred.

Whilst we read these cases in the light of the major problems in England, they are relevant here. Deterrent sentences are called for. Taking everything into account, this aggravating feature enhances our starting-point on the basis of those aggregating features to 4 years'.

### **Mitigation**

We have listened carefully to your Advocate's submissions and read the helpful Probation report. The "exceptional" recommendation for a CSO is only put forward tentatively. We reject it as it is not appropriate here.

We must take full note of your poor health and, despite breaching a conditional discharge, a conviction-free record for most of your life.

We also need to afford credit for your eventual guilty pleas. We have taken on board all the written materials put before us, including your letter which we have fully considered. Mainly because of your poor health and family circumstances we are prepared, mercifully, to give you a significantly enhanced discount. Future offenders should not count on this. But in the end a deterrent sentence is called for, for the reasons given in the English cases, which we concur in, despite some sympathy for your circumstances. The discount, which as stated is merciful and on your own personal circumstances, is three-quarters.

### **Sentence**

Anyone who brings illicit substances to the States' Prison will expect immediate and substantial custody and, as stated, an element of deterrence, as this is a particularly serious aggravating feature. Others minded to commit this offence are unlikely to be treated with the same measure of leniency. Illicit substances strike directly at the maintenance of good order and the attempts at reform which are taking place there at the Prison.

The least possible sentence we can properly impose is 12 months' imprisonment from today. We give 1 day concurrent on the breach of the conditional discharge which now goes and Forfeiture and Destruction Orders, as requested.

**Judge J R Finch OBE**  
**Judge of the Royal Court**

**13 June 2019**