

**ROYAL COURT
FULL COURT**

15 August 2019

**Before: Judge J R Finch OBE, Judge of the Royal Court and:
Barbara Jean Bartie, Stephen Murray Jones OBE, Steven John Morris,
Alan Stevenson Boyle, Peter Francis Gill, David John Robilliard, Stuart Michael Crisp,
Marilyn Jasmine King, Tina Jane Le Poidevin, Jurats.**

THE LAW OFFICERS OF THE CROWN

- v -

Luca VALT

Crown Advocate F M Russell appeared for the Crown

Advocate S E Steel appeared for the Defendant

JUDGE OF THE ROYAL COURT:

Background

You appear here today for sentence on an Indictment consisting of two counts, both involving the unlawful importation of the controlled drug, cannabis.

Both were postal importations; the combined weight is 19.24 gm, Guernsey street value £384-£557.

You were arrested on 6th June 2019, and have been on conditional bail throughout and indicated early guilty pleas. The maximum penalty on each is 21 years.

You are an Italian National, aged 36, employed in Herm and living in staff accommodation. You are of previous good character.

Sentencing Considerations

We are bound by a decision of the Court of Appeal in which guidelines were set-down for this type of offence. It is our duty to consider the guidelines and find an appropriate starting-point before going on to apply any relevant mitigation.

The band of sentences laid down by the Court of Appeal for up to 2 kgs is 3 to 6 years as a starting-point.

We make the following observations – postal importation, and here we have two, is always an aggravating feature. However, the total amount is at the bottom of the range, the Royal Court (this Court) deals with. Nevertheless, we must start at 3 years. We also note that you ‘came clean’ about the amount you already had in your room and you had your own name on the packages.

Mitigation

As stated, you pleaded 'guilty' at an early opportunity and are of previous good character. You also, as we have just said, 'came clean' about the earlier importation. We have taken into account, your able Advocate's, at times almost poetic, mitigation. We carefully note the very good references produced and your own long letter. You are not happy in Herm and intend to depart once the season is over, which in our view is a good idea. You now have a drugs conviction which will not help you when you wish to visit other countries.

All in all, and considering other cases, whilst emphasizing that every case is different and has to be dealt with on its own facts, we afford you a two-thirds discount, to give effect to the mitigating factors we have mentioned. We also take full note of the Probation report which places you in a population with a very low risk of re-offending.

Sentence

In common with some similar cases, we would have actively considered a Community Service Order as a direct alternative to imprisonment if you remained in this jurisdiction. We think it is a good thing that you are going. The States of Guernsey have laws in place that good citizens have to obey regarding illegal drugs. It is our duty to apply those laws fairly and justly. Your views on cannabis are your own affair but when you come here you need to obey the law.

Taking everything into account, we sentence, with a combined and concurrent total as follows:

- Count 1 - 6 months' imprisonment.
- Count 2 - 12 months' imprisonment, concurrent
- **Total:** - **12 months' imprisonment**

As this is, on all the facts, a case with effective mitigation, both on the offences and especially your character, and considering this is a personal use matter, something we do not often accept when it is asserted – we take the very merciful course of suspending the sentences for 2 years.

Confiscation and Destruction Orders, as requested.

This is a case on its own facts and is to be regarded as such accordingly.

So sentence is: 12 months' suspended for 2 years in total plus Confiscation and Destruction.

Judge J R Finch OBE
Judge of the Royal Court

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