

**ROYAL COURT
FULL COURT**

16th October 2019

**Before: Judge J R Finch OBE, Judge of the Royal Court and:
Claire Helen Le Pelley, Niall David McCathie, Terry John Ferbrache,
Jonathan Grenfell Hooley, Steven John Morris, Alan Stevenson Boyle,
David John Robilliard, Marilyn Jasmine King, Jurats.**

THE LAW OFFICERS OF THE CROWN

- v -

LIAM BUCKNALL

Crown Advocate C G Dunford appeared for the Crown

Advocate L C Roffey appeared for the Defendant

JUDGE OF THE ROYAL COURT:

Background

You appear here for sentence on an Indictment containing 2 counts: the unlawful importation of the Class A controlled drug cocaine and, on the same occasion the unlawful importation of the Class B controlled drug cannabis; the maximum sentences are life and 21 years' respectively.

You are a 36 year old non-local man, with no previous convictions. You were caught coming on Condor on the 20th May, 2019. Despite messing-about on your part, the cocaine was found in a bag in a pocket of your shorts and the herbal cannabis in the roof storage vent or shelf.

- The total cocaine was 3.3 grams, Guernsey street-value £330 - £495.
- The total cannabis was 1.54 grams, Guernsey street-value, £30.80 to £46.20.

In due course you observed that the Customs Officers had done you a favour.

You have been on bail throughout, indicated early guilty pleas and have had a deposit of £10,000 paid as security.

Sentencing Considerations

Your able Advocate would have told you that we are bound by a decision of the Court of Appeal in respect of drug importations. In particular, Class A drugs involve a sentence as a starting-point (at this amount) of around 7 years, for the quantity 1-20 grams. Drugs are a menace to this Island community and are dealt with accordingly. The guidelines bind us, as we have just remarked, but then we have to go on in every case to consider applicable mitigation.

Mitigation

The guilty plea is noted, but in all the circumstances there was no alternative to those pleas, nevertheless, some credit is due for them. You also deserve full credit for your previous very good character. We note your letter and the references put forward, plus all your Advocate has submitted to us. We also have read the helpful Probation report.

All these factors, to a greater or lesser extent go in your favour. We repeat that sentencing cases, other than guidelines, are of very limited value and we apply the cases of Richards and Edwards (2006); noting Woodford is no longer of use in view of the later leading cases (that is mainly for the lawyers to note for future cases).

Sentence

The guidelines under which we must operate allow us one element of flexibility only, but if the amount is around 1 to 2 days personal use we can go outside them. After considering this very carefully we will proceed on that basis. But you now have drug importation convictions that will stop you doing many things, including overseas travel to many countries. We also do not appreciate visitors to our shores coming with concealed illegal drugs.

The sentence is therefore:

- On Count 1: a Community Service Order to be operated in England of 150 hours, as a direct alternative to 9 months' imprisonment.
- On Count 2: a fine of £500 or 30 days (to be made payable out of the security and I expect arrangements to be made that that is paid, but you must remain in custody until that is satisfactorily paid today.
- Confiscation and Destruction Orders as requested.

The Order means that if you breach it by not doing the hours without a medical certificate, or commit any other offence, we have the power (which I will exercise) to bring you back from England on a Warrant, which will mean you will be locked up in England, locked up here and then locked up for a considerably greater period of time in due course. You have to do every single minute of those particular hours or you will get 9 months' plus anything else. Those are the consequences of not complying – at least 9 months and quite possibly more, locked up in Guernsey.

Now speaking for myself, this Court has had an awful lot of drugs cases, so have both the Advocates here. I have, both as a courtroom Advocate and as a Judge and looking at this matter I can only personally form one conclusion and my colleagues on the bench don't dissent from this – you have been a complete 'mug'. I don't know what your dad would have said if he had known about this and I don't know how you have explained it to your children. You have now got a chance because you are walking out of here today, but the bus won't come around again. If you try and run anything like this both here (where I hope you don't come back with any drugs) or in England, the bus as I said 'won't come round again' and we also suggest and agree, as mentioned, you sever any connection with the dealer. You are walking, but you won't walk again. You are very lucky, you have fouled up spectacularly. Now I would appreciate the Greffier and your Advocate liaising to ensure that the money will be on deposit and can be paid today. That is the Order of the Court:

- 150 hours CSO
- 9 months' imprisonment if you don't do every single minute
- £500 fine

Judge J R Finch OBE
Judge of the Royal Court

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