

**ROYAL COURT  
FULL COURT**

**22<sup>nd</sup> November 2019**

**Before: Judge J R Finch OBE, Judge of the Royal Court and:  
David Percy Langley Hodgetts LVO, Niall David McCathie, Steven John Morris,  
David James Mortimer, Joanne Marie Wyatt, Peter Francis Gill, David John Robilliard,  
Marilyn Jasmine King, Tina Jane Le Poidevin, Jurats.**

**THE LAW OFFICERS OF THE CROWN**

**- v -**

**Shaun MORIARTY**

**Advocate J D McVeigh appeared for the Crown**

**Advocate D R F Domaille appeared for the Defendant**

**JUDGE OF THE ROYAL COURT:**

**Background**

You appear here today for sentence on an Indictment comprising four Counts:

- Possession of Cannabis: Class B
- Possession of MDMA: Class A
- Possession of Diazepam: Class C
- Possession of Cannabis Resin: Class B

The maximum penalties are:

- 14 years' on Count 2;
- 10 years' on Counts 1 and 4 and
- 4 years' on Count 3, depending on the class of the drugs.

You are a 59 year old local man, with old previous convictions, none in relation to drugs. You have been on unconditional bail since your arrest and timely guilty pleas have been entered.

The drugs, together with an amount of cash which is the subject of separate civil forfeiture proceedings were found on the execution of a Search Warrant on the 9<sup>th</sup> April 2018.

You had 16.31 grams of Cannabis resin, with a Guernsey street-value of £326 - £407. One MDMA tablet valued at £20, two Diazepam tablets, valued £6 and, what has given us the most time to consider, £869.84 grams of herbal cannabis, in a degraded state and, in our judgment to paraphrase the facts, hardly worth anything – 'old and decayed'.

## **Sentencing Considerations**

This is not a case where there are drug-trafficking offences, so the Court of Appeal guidelines in Richards relating to these, do not apply. Hence we sentence on the individual facts of this case. You had unlawful drugs in all three categories and your lifestyle shows you did not comply with the Laws passed to punish the unlawful possession of drugs. Whether or not you can be described as an unconventional person in your way of life is up to you entirely, but the laws of Guernsey apply to everyone. In view of the range of drugs we must first consider imprisonment and then go on to see what is in your favour.

## **Mitigation**

We give appropriate weight to all your Advocate has told us, and the Probation report. We are prepared, since time has gone on considerably, to treat you as of effectively good character. You also pleaded guilty early on, despite your 'no-comment' interview – which was, of course, your entire right. However, the evidence against you was overwhelming. We have referred to the cash found – this is not before us and as stated, this is the subject of separate proceedings. We note as well that this case was referred to us by the court below – rightly in all the circumstances. However, all in all, there is much mitigation in this case. Furthermore this case has taken a considerable time to come here.

## **Sentence**

We look at the totality principle and all the offences together and make a total for what we consider to be the appropriate punishment in all the unusual circumstances of this case. Accordingly, the total is **12 months' imprisonment, concurrent** on each of the four counts.

In view of your personal mitigation, we suspend this for a period of two years and there will be Confiscation and Destruction Orders as requested.

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

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