

**ROYAL COURT
FULL COURT**

6th January 2020

**Before: Judge J R Finch OBE, Judge of the Royal Court and:
Peter Sean Girard, Terry John Ferbrache, David Allan Grut,
Joanne Marie Wyatt, Alan Stevenson Boyle, Peter Francis Gill, Stuart Michael Crisp,
Marilyn Jasmine King, Tina Jane Le Poidevin, Jurats.**

THE LAW OFFICERS OF THE CROWN

- v -

Hayden Aaron Robert PRICE

**Crown Advocate C G Dunford appeared for the Prosecution
Advocate S E Steel appeared for the Defendant**

JUDGE OF THE ROYAL COURT:

Background

You appear here today for sentence on an indictment containing two counts: unlawfully supplying the Class A controlled drug MDMA, and, associated with this, unlawful possession of MDMA. The maximum penalties are life and 14 years respectively.

You are a 22 year old non-local man, whom we are told has been working here for 2 years as a chef. You have no previous convictions. You have been on conditional bail throughout and indicated guilty pleas at a pre-trial review. The offence took place last April, the charging date before you were committed for trial was the 18th September 2019.

The offences came to light when you were searched in a bar under the Drugs legislation. One MDMA pill was found. You were interviewed and gave equivocal answers. In your second interview, as is your right, you declined to answer any questions.

Your mobile phone was examined by an expert. The messages were looked at by another expert in drugs offences and he produced a report. We have heard the details. We need not repeat them, but there is ample evidence, as the Prosecution say, of disposing of at least 50 MDMA pills which you accept. Mr Halliday's statement is clear and compelling. Much of the background is very familiar to us in view of our experience of drug cases. Drugs remain a real problem in Guernsey, especially with vulnerable and naïve young people, which we recognize.

Sentencing Considerations

We are bound by Court of Appeal guidelines. The band of starting-points for the amount of 1-500 Class A tablets is 7 to 9 years. We need to fix an appropriate starting-point reflecting the circumstances of the offence before going on to look at any relevant mitigation.

We consider it appropriate to start at the bottom of the band, i.e., 7 years. We emphasize sentencing is not purely an arithmetical exercise, but always has to be looked at on the individual facts of each case.

Mitigation

There was a guilty plea, which, although the evidence was compelling, we are prepared to give credit for. You are also of previous good character, which amounts to substantial mitigation. We have carefully considered this mitigation, your letter, the references, your remorse and what was put forward by your Advocate as well as the Probation report. Whatever excuses you give, you were still dealing busily.

However, we are prepared to give you an over 50% discount to mark your mitigation, especially your lack of any previous convictions and you have observed your bail.

Sentence

The two offences are part of the same activity and we sentence concurrently.

You were an active dealer of the most serious category of unlawful drugs. It is a good thing that Law Enforcement caught you when they did. Guernsey is no place for drug dealers and, although not for us to decide, we make that point plainly. As stated, the phone messages show a clear picture of your actions. We need to sentence proportionately, in accordance with authority and the consistent practice of the Guernsey Courts at all levels.

- On Count 1 the sentence is 3 years' imprisonment from today.
- On Count 2 the sentence is 1 month concurrent from today.
- **Total – 3 years' imprisonment.**
- Forfeiture and Destruction Orders, as requested.
- Compulsory Supervision after release for one-quarter of the total sentence.

Judge J R Finch OBE
Judge of the Royal Court

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