

Supply and possession of Class B drugs, possession of Class C Drugs and possession of an offensive weapon

[2020]GRC006

**ROYAL COURT
FULL COURT**

16th January 2020

**Before: Judge J R Finch OBE, Judge of the Royal Court and:
Stephen Murray Jones OBE, Terry John Ferbrache,
Jonathan Grenfell Hooley, Steven John Morris, Alan Stevenson Boyle,
Peter Francis Gill, David John Robilliard, Tina Jane Le Poidevin, Paul Martin Burnard,
Jurats.**

THE LAW OFFICERS OF THE CROWN

- v -

**Darragh Patrick GRANVILLE
&
Connor Joel MOON
&
Holly Francesca SHIELDS
&
Shaun BULMER**

**Advocate J McVeigh appeared for the Crown
Advocate P Ferbrache appeared for the First Defendant
Advocate L Roffey appeared for the Second Defendant
Advocate S Mallett appeared for the Third Defendant
Advocate P Cobb appeared for the Fourth Defendant**

JUDGE OF THE ROYAL COURT:

Background

You appear here today for sentence on an Indictment comprising 10 counts in all.

- Counts 1, 4, 8 and 9 relate to you supplying the Class B controlled drug Cannabis/Cannabis resin to others. The maximum is 21 years' imprisonment. These charges relate to each individual defendant.
- Count 2 is a possession charge relating to Mr Granville involving Cannabis resin.
- Count 3 is a similar charge, possession of herbal Cannabis on the same date.
- Count 5 is a possession of Cannabis resin charge relating to Mr Moon.
- Count 6 is a possession of the Class C controlled drug Diazepam relating to Mr Moon.
- Count 7 is a possession of Cannabis resin charge relating to Mr Moon the day after Count 5.
- Count 10 is possession of an offensive weapon charge relating to Mr Bulmer, a knuckleduster.

The penalties for possession of a Class B drug are a maximum of 10 years. For possession of a Class C drug (which is Count 6) 4 years and Count 10, the offensive weapon: knuckleduster is 5 years.

- Mr Granville is 24, you are a local man and noting the minor matters, to be treated as of previous good character;
- Miss Shields is 25 and of previous good character;
- Mr Moon is 25 and a previous Community Service Order for two charges of possession and other earlier matters are on his record which don't relate to drugs;
- Mr Bulmer is aged 23 and apart from minor matters has convictions for assaulting the Police in 2015; possession of a controlled drug and of possessing an item with intent to damage property. Sentences were - suspended Youth Detention and a CSO as a direct alternative to custody respectively.

Timely guilty pleas were entered by all four defendants at a Plea and Directions hearing on 12 December 2019. Mr Granville, Miss Shields and Mr Moon have been on conditional bail, Mr Bulmer on unconditional bail.

The basic facts have been given. In short, there is no need to go over all the Prosecution outline once more. You were connected to each other, we were told, through the supply of Class B drugs. There was a significant amount of mobile phone messages. Mr Granville had associates who would buy a large amount of Cannabis for onward supply, one of whom was Mr Moon. Mr Moon's mobile phone shows this in some detail. Mr Granville and Miss Shields live together and mobile phones show that they have been involved in the supply of drugs to associates. Mr Bulmer is a close associate of Moon and was found, by good Police work, driving Moon around for him to sell Cannabis. The knuckleduster was inside the vehicle. We have been given details of what was found on the mobile phones and the Police interviews.

The drugs found in the car with Messrs Bulmer and Moon, and at Granville and Shields' home address, amount to 15.23 grams attributed to Mr Moon and 10.72 grams, both of Cannabis resin to Mr Granville and 10.55 of herbal Cannabis. But this does not represent the amounts dealt. It is fair to say you were all variously involved in dealing and we must approach the case accordingly.

Sentencing Considerations

Your able Advocates, who between them have a wealth of experience of how this court deals with drugs cases will have told you that we are bound by a decision of the Guernsey Court of Appeal on sentencing guidelines. These are not a straitjacket and the individual circumstances of each case need to be carefully evaluated.

The evidence on dealing is, of course, mainly comprised in the mobile phone messages, particularly in relation to the defendants Moon, Granville and Holly Shields. These offences fall, in our judgment, within the applicable guidelines. We select a starting-point and next go on to apply relevant mitigation. We cannot, obviously, give an accurate total in grams of what you unlawfully supplied, although some help can be found from the mobile evidence as stated. We mention, Miss Shields was involved also in setting-up deals, actively responding to purchasers' questions and she counted-up money paid by "LB". Mr Bulmer, as stated, drove Moon and knew this was for Mr Moon to sell Cannabis. On occasion he had got Cannabis from Mr Moon.

The relevant starting-point is 3 – 6 years and on the authority of Richards there is, on our judgment, a significant factor to take into account. This level of dealing is difficult to detect and is a real curse to Guernsey. We consider, looking at the Guernsey situation, which we are all able to do because of our extensive experience of drug cases, an element of deterrence is called for. We will reflect the previous records of Messrs Moon and Bulmer when considering mitigation so there is no double-counting.

So we go as follows for starting-points:

- In relation to Mr **Granville**, due to his activities a starting-point of 4 years.
- In relation to Miss **Shields**, a starting-point of 3 years.
- In relation to Mr **Moon**, a starting-point of 3 years and 6 months.
- In relation to Mr **Bulmer**, a starting-point reflecting his much lesser involvement

Mitigation

We have fully taken account of your Advocates' helpful submissions, the Probation reports and the written materials put forward in your favour. There is one common mitigating factor – the guilty pleas. But the evidence was pretty convincing; though we give credit for the pleas and Mr Granville and Miss Shields are of previous good character – another relevant part of the mitigation. Messrs Moon and Bulmer are not. It was extremely foolish of all of you to throw away what you were accomplishing in order to be involved in drug-dealing. However, you are entitled to mitigation and we do so in the following way:

- Mr **Granville** – credit for the plea and the previous good character, but you were a leading player. We consider that rather over one-third in total generously reflects the relevant factors in your case.
- Miss **Shields** – the same credit as Mr Granville, for the same reasons, but you were still an active facilitator on behalf of your partner. A CSO is not appropriate in view of what took place. These are hardly exceptional circumstances on the admitted facts here, but we give a 50% discount in view of your personal mitigation.
- Mr **Moon** – credit for the guilty pleas as stated, but previous convictions, including for drugs (sentenced in January 2019), so not of good character. Also, you were an active player and caught whilst at it and subject to a CSO which is an aggravating factor as your Advocate correctly recognizes. Noting your record we will treat you the same way as Mr Granville. Clearly, you both participated fully. In all the circumstances there is just under a one-third discount which we apply. We do in your favour note you did supply the 'pin' number.
- Mr **Bulmer** – credit for pleas. There was also a previous, albeit non-drug record. In your case, although caught with Mr Moon in the act, we are giving an enhanced discount due to your particular level of involvement.

Sentences

On all the drug offences, we consider the simplest and clearest approach is to arrive at a combined figure on the supplying counts to reflect the overall level of criminality and make the other sentences concurrent. The offensive weapon is a separate charge relating to Mr Bulmer.

It is obvious from what we have seen and been told that the misuse of drugs has fouled-up Mr Granville's life, and made a significant bad impact on Mr Moon's. If Mr Bulmer continues on the path he has chosen, it is highly-likely to have the same effect.

We repeat, this level of dealing is pernicious, nasty and hard to detect. Three of you were in it for money, and Miss Shields was actively helping Granville. It is seldom that sentencing is an exercise carried-out mainly in the interests of the accused. The States of Guernsey make these actions illegal and we must give effect to the laws passed by them. As stated, we think it right to factor in an element of deterrence.

The sentences are as follows:

Mr Granville

- On Count 1 the sentence is 2 years and 6 months' imprisonment and
- On Counts 2 and 3 the sentence is 3 months' concurrent
- **Total – 2 years and 6 months'** from today.

Miss Shields

- On Count 8 the sentence is **18 months' imprisonment** from today.

Mr Moon

- On Count 4 the sentence is 2 years and 6 months' imprisonment from today.
- On Counts 5 and 7 the sentence is 3 months' concurrent.
- On Count 6 the Class C, the sentence is 14 days' concurrent.
- **Total – 2 years and 6 months'** from today.

Mr Bulmer

- We have thought long and hard about your case because you certainly justify an immediate sentence of imprisonment. We have considered your involvement which was considerably less than the other three defendants and taken a merciful course. But that merciful course comes with strings attached.
- In relation to Count 9 you will do a Community Service Order of 180 hours in the next 12 months as a direct alternative to 12 months' imprisonment.
- To clean up the slate, Count 10 – 50 hours Community Service Order concurrent and 1 month concurrent in relation to the offensive weapon.
- That is a **total of 180 hours and a year in default**. If during that period of 1 year you foul-up, either by not doing every hour without a medical certificate, committing any other offence, your feet won't touch the ground, and you will be back here and you will be seeing us again and all the mitigation we have heard from your very capable Advocate won't wash, so you will be prepared to 'go down' because that is where you will be going. It was a very close-run thing and we consider it, as we do with all our sentencing and particularly in this matter in relation to all the defendants, very carefully. You are walking today, you are lucky you are walking, but if I see you back here the only place you will be walking is in a downward direction with one of the officers.

For the avoidance of doubt:

- Forfeiture and Confiscation Orders as requested.

In relation to the custodial sentences:

- Compulsory Supervision after release for one-quarter of the total sentences where appropriate.

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

16th January 2020