

**ROYAL COURT
FULL COURT**

3rd February 2020

**Before: Judge J R Finch OBE, Judge of the Royal Court and:
Stephen Murray Jones OBE, Claire Helen Le Pelley,
Jonathan Grenfell Hooley, Alan Stevenson Boyle, Peter Francis Gill,
David John Robilliard, Marilyn Jasmine King, Tina Jane Le Poidevin,
Paul Martin Burnard, Jurats.**

THE LAW OFFICERS OF THE CROWN

- v -

Alexandre BOURDOU

**Advocate J McVeigh appeared for the Crown
Advocate S Steel appeared for the Defendant**

JUDGE OF THE ROYAL COURT:

Background

You appear here for sentence on an Indictment containing two counts: Unlawfully importing a controlled drug of Class B, and a similar offence in relation to a Class A drug – these were cannabis resin and cocaine respectively. The maximum sentences are 21 years and life. You are a French national, aged 32 who came here to work as a chef in September 2019. You have a number of previous convictions in France, which we have seen, including theft, domestic assault and a drugs matter in 2007. You have served custody in France. Your record is before the Court. You were apprehended on 28th October and have been in custody ever since. Early guilty pleas were indicated.

On a search at the White Rock, officers found you had a package underneath your scrotum, between your right testicle and thigh. There was 3.97 grams of cocaine and 67.59 grams of cannabis resin. Guernsey street value for the cocaine - £397 to £595.50 and cannabis resin - £1,351.80 to £2,027.70 respectively. Cannabis was also located on a knife at your address. You had lied to the officers saying you were not carrying any controlled drugs. When interviewed, you said you had a cannabis habit and an infrequent use of cocaine. You had paid €400 in Rennes.

Sentencing Considerations

Your Advocate will have told you that in these cases, we have to follow binding guidelines set-out by our Court of Appeal. We have to consider all the facts before selecting an appropriate starting-point and then go on to apply the mitigation applicable in the case. Here we have drugs in two different categories, but the Class B drugs considerably outweigh the Class A cocaine.

The starting-point for cannabis importations in the amount of up to 2 kg is 3 to 6 years. The starting-point for Class A drugs of up to 20 grams is 7 to 9 years.

In this case we apply what the Court of Appeal has said in earlier cases. The claim a drug is for personal use does not help when, as here, the cannabis was a significant amount and added to the stock of illegal drugs in the Island, see (for the Advocates' benefit) e.g. the case of Edwards (2006, No. 43). The cocaine of course was a smaller amount, so we consider that any adjustment in our combined starting-point should reflect this. Each case is different and has to be looked at individually. Here we start and begin at 4 years and 6 months' as a combined total.

Mitigation

You deserve some credit for your pleas, although it is very doubtful on the facts you could have denied the charges. You are not, as mentioned, of previous good character. We note everything your Advocate has said, the letters and we have considered the Probation report. You have a good work record and improved yourself. Your list of previous convictions mainly reflects a younger period in your life. You intend, and we have heard this many times from people, to use your time in prison to break with drug use. We hope so. On the basis of your personal mitigation, we give you a discount of one-third.

Sentence

This was a rather significant amount of cannabis and the drugs were concealed in an unpleasant manner. We must sentence commensurately in accordance with the guidelines and the consistent practice of this Court. We make the sentences concurrent, seeking to reflect the totality of the offending on both offences.

- On Count 1 the sentence is 3 years' imprisonment
- On Count 2 the sentence is 12 months' concurrent
- **Total – 3 years but with effect from the 28th October, 2019**
- Confiscation and Destruction Orders, as requested.

Deportation

It is well understood the defendant does not contest this, but the Court still has to apply its mind to it. You have been served with the appropriate Notice. We have a report from the Immigration Officer and deportation is not opposed today.

We need, as set out in the detailed guidelines in the O'Dette case, a previous case, to balance various applicable considerations and bear in mind the binding provisions of the European Convention on Human Rights.

You have no family connections with Guernsey; your immediate family is in Rennes. You stated you wished to return. Your only link with Guernsey was work for a short period. The matters of which you pleaded guilty were serious. An immediate custodial sentence was called-for and imposed. Your French convictions, although largely dating back to an earlier period, are varied and of concern. We take account of them.

Having carefully considered the position, we take the view that your continued presence in Guernsey is not conducive to the public good and any countervailing considerations are minimal. Hence we make the recommendation to His Excellency The Lieutenant-Governor, and it is he who takes the final decision. The recommendation is made.

We express concern that with your even more recent French criminal record, you were able to be permitted to work here. This was undesirable.

- 3 years imprisonment with effect from 28th October 2019;
- Confiscation Orders and;

- Recommendation for Deportation.

Judge J R Finch OBE
Judge of the Royal Court
3rd February 2020