

Possession with intent to supply the Class B controlled drug of Cannabis Resin and failure to disclose under a RIPL Notice.

[2020]GRC073

**ROYAL COURT
FULL COURT**

29 October 2020

Before: John Russell Finch, Esq., O.B.E., Lieutenant Bailiff and:

**Claire Helen Le Pelley,
Steven John Morris, David James Mortimer, Joanne Marie Wyatt, Peter Francis Gill,
David John Robilliard, Stuart Michael Crisp, Marilyn Jasmine King, Tina Jane Le Poidevin,
Jurats.**

THE LAW OFFICERS OF THE CROWN

- v -

Ryan Anthony BOUGOURD

**Advocate R J Calderwood appeared for the Crown
Advocate L C Roffey appeared for the Defendant**

LIEUTENANT BAILIFF:

Background

You appear here today for sentence on an Indictment containing two Counts: possession with intent to supply the Class B controlled drug cannabis resin, and failing to disclose under a RIPL Notice. This refers to your passcode on your mobile phone. The maximum sentences are 21 years and 2 years' respectively. Timely guilty pleas have been entered; you have been on conditional bail throughout.

You received fines for drugs possession and criminal damage in 2017 and have not served custodial sentences. You are a 23 year old local man and the offences were disclosed on the 23 April 2020 following the execution of a search warrant.

The cannabis resin amounts to 399.94 grams - Guernsey street-value £8,000 to £12,000 if sold locally. We have heard how the cannabis was made up, including a bar on the sofa; and 3 blocks concealed in an outbuilding. You have refused to comply with a RIPL Notice saying that there was "*private stuff*" on the phone and didn't want the authorities "*rummaging about*". That is what they are entitled to do. You were not very helpful on arrest here. You lied repeatedly in interview, also lying to the Probation officer – none of which helps you and unfortunately, we here have very considerable experience of drug cases.

Sentencing Considerations

We are bound by a Court of Appeal decision. For the amount of cannabis resin of up to 2kg the starting-point has to be found in the band of 3-6 years imprisonment. We are bound to add that on the RIPL offences we have given plenty of warnings that the sentences will go up, as we can only conclude those who commit those offences are hiding their own illegal activities and quite likely,

offences by others. The Prosecution have helpfully quoted an English Court of Appeal case which states in this sort of situation, the Court would be bound to assume the worst, with the need to hide something that could produce a substantial penalty. We respectfully agree.

Any claim that such an amount is for personal use is not only on the facts of this case, risible, but on the authorities does not help you. We are also bound to note the significant payments from your bank account, including to a known UK drug-trafficker. We need not go over all your false explanations again, as stated, they do not help you.

We start at 3 years and 9 months for the possession with intent to supply, and 9 months consecutive for the failure to disclose – combined totals of starting point of 4 years 6 months. We repeat that significant penalties are needed on the second offence to ensure people are not better off by failing to comply with a Notice than giving the details.

Mitigation

Your record is not an extensive one, as stated; you have not served a custodial sentence before. You have a good work record which is in your favour. We have listened carefully to everything said by your able Advocate and read a Probation report which is of limited assistance to you because, as stated, of your lying. You have managed by your responses, to ‘shoot yourself in both feet’. All this limits the applicable mitigation and none is at all applicable to the Second Count in the circumstances. Nevertheless, on the total if at all, we err on the side of leniency. The mitigation applies on Count 1, there is nothing applicable on Count 2, but we bear the totality principle in mind. Our discount is therefore applicable on Count 1 only.

Sentence

It is obvious what your intention was with this significant amount which is why you have pleaded ‘guilty’ to possession with intent to supply. On the facts you are a dealer and your mobile would have been a great asset to Law Enforcement, in our informed view, had you complied with the Notice. We also note that drug-trafficking confiscation proceedings will be brought.

- On Count 1 the sentence is 2 years and 6 months’ imprisonment (30 months).
- On Count 2 the sentence is 9 months’ imprisonment, consecutive. This offence, as we have said, is too prevalent in Guernsey.
- **Total: 3 years and 3 months’ imprisonment from today.**
- Confiscation and Destruction Orders, as requested.
- Compulsory Supervision after release under the Supervision of Offenders Law.
- Drug Trafficking timetable as agreed. S12 Drug Trafficking Order made, on ample grounds.

**John Russell Finch, Esq., O.B.E.,
Lieutenant Bailiff**

29 October 2020