

**ROYAL COURT
FULL COURT**

9th November 2020

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

**Terry John Ferbrache,
Steven John Morris, David James Mortimer, Joanne Marie Wyatt, Alan Stevenson
Boyle, Peter Francis Gill, Stuart Michael Crisp, Marilyn Jasmine King, Tina Jane Le Poidevin,
Paul Martin Burnard, Felicity Jane Quevâtre-Malcic, Jurats.**

THE LAW OFFICERS OF THE CROWN

- v -

MAX WILLIAM DYER

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

LIEUTENANT BAILIFF:

Background

You appear here today for sentence in respect of one count, the importation of the Class B drug, cannabis. The maximum penalty is 21 years.

You are a local man now aged 29, with non-related previous convictions, including a short custodial sentence in 2009 for breaching a CSO for re-offending; that is the last matter recorded. This was a postal importation of 13.79 grams; street value between £275.80 and £413.70. Various items were found at your property, which we have heard about, including a bong and grinder etc.

You have been on unconditional bail throughout and indicated an early guilty plea.

Sentencing Considerations

On the guidelines which bind us, you could be facing immediate custody, with a starting-point of 3 years; here we start below. The abuse of the postal system is always regarded as an aggravating factor. We have to consider, once the starting-point is established, what mitigation applies in any particular case, every case is different, and has to be sentenced on its own facts.

Mitigation

Your early guilty plea, plus lack of similar previous offences and indeed lack of recent offences, and work record, all go in your favour. We also note that there is no evidence of onward supply, which would have resulted in immediate custody today. All in all, we give you a generous discount on the individual circumstances. We also note in your favour your co-operation. We take fully into account

everything your Advocate has said and the helpful Probation report, plus the other written materials put in on your behalf.

Sentence

We follow the recommendation in the Probation report. A lengthy Community Service Order is appropriate. The Court is of course obliged to follow the law set down by the States in relation to drugs. The sentence, taking everything fairly into account, is:

- Community Service Order for 150 hours (with 9 months in default)
- Forfeiture and Destruction Orders as requested

You know what a CSO is, you have had it in the past; you must do every single hour otherwise you will be brought back and re-sentenced, particularly if you re-offend in any way, not just drugs, but anything. Don't break the law by not doing the hours and re-offending. I have to say, speaking on my own behalf Mr Dyer, that if you do I will be waiting for you at the platform when 'your train comes in'. You have had a fair chance, but it is now up to you not to foul it up – if you do it is your fault.

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

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