

Fraudulent evasion of the prohibition on importation of goods, contrary to section 77(1)(b) and 77(2) of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1974, relating to the importation of Cannabis in contravention of the prohibition imposed by imposed by section 2(1)(a) of the Misuse of Drugs (Bailiwick of Guernsey) Law 1974, as amended.

**[2021]GRC036**

**ROYAL COURT  
FULL COURT**

**28<sup>th</sup> May 2021**

**Before: Catherine M Fooks, Judge of the Royal Court and Jurats:**

**Claire Helen Le Pelley, Terry John Ferbrache,  
Steven John Morris, Joanne Marie Wyatt, Peter Francis Gill, Paul Martin Burnard,  
Felicity Jane Quevâtre-Malcic, Heather Reed.**

**THE LAW OFFICERS OF THE CROWN**

**- v -**

**Christina Shirley WHITE**

**Crown Advocate F M Russell appeared for the Crown  
Advocate P Lockwood appeared for the Defendant**

**JUDGE OF THE ROYAL COURT:**

**Background**

Miss White you have pleaded guilty to an Indictment containing a single Count.

That Count is of being knowingly concerned in the fraudulent evasion of the prohibition on importation of goods, contrary to section 77(1)(b) and 77(2) of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1974 and relates to the importation of Cannabis in contravention of the prohibition imposed by imposed by section 2(1)(a) of the Misuse of Drugs (Bailiwick of Guernsey) Law 1974, as amended. This offence carries a maximum sentence of 21 years' imprisonment.

The facts are that on Friday 31<sup>st</sup> July 2020, customs officers stopped the vehicle in which you were a passenger on your arrival from Portsmouth into Guernsey on the Commodore Clipper. You told officers that you had travelled with the driver from Guernsey to the United Kingdom on the 25<sup>th</sup> July 2020, in order to start a new life. You and he spent some time in Southampton looking for suitable accommodation which was unsuccessful, so you decided to return to Guernsey.

Following your confirmation that you had nothing to declare, including any Cannabis, a search was undertaken, and a long tubular package was found in your handbag. At first you denied knowing what it was and that it was yours but, when questioned further, you admitted that it was Cannabis. You were arrested, cautioned and bailed. The substance was formally analysed and confirmed to be 18.17 grams of Cannabis valued at between £363.40 and £545.10.

You were interviewed on the 17<sup>th</sup> August 2020 and answered no comment to all questions concerning the offence, as is your complete right. You were charged on the 25<sup>th</sup> September 2020 and the matter was adjourned for a variety of reasons including the COVID lockdown. You entered a guilty plea on the 8<sup>th</sup> April 2021, when the matter was adjourned to today for sentencing. You have remained on unconditional bail throughout the proceedings.

You are a local woman of 30 years of age and you have no previous convictions.

### **Sentencing Considerations**

The sentencing guidelines applicable to the offences involving the importation of drugs of Class B are contained in the case of Richards and this Court is obliged to follow those guidelines. The sentencing band for Cannabis is 3-6 years for quantities up to 2 kilograms. As set out in Richards, we are obliged to identify a starting point for the importation and then apply the mitigation.

The Court is satisfied that the custody threshold in respect of your offending has been passed.

The starting point for this offence is set at the bottom end of the band, namely 3 years.

### **Mitigation**

The Court must first consider the impact of your guilty plea on sentence. Your Advocate has explained why it was late in the process and we accept that explanation. You were caught red handed but the Court gives you as generous a discount as it can, nonetheless.

The Court has taken full account of the helpful Probation Report prepared in respect of you which contains sensitive information. We have also listened to the compelling submissions of your experienced Advocate, who has made excellent points in your favour. Both he and Miss Le Cheminant, who has kindly attended today to assist the Court, are saying that you are engaging well with CDAT and that you are in the right place to make changes. We note the important role of your supportive GP; we have read her letter.

You come from a close family and they are appropriately disappointed that you have come before the Court. It is very much to your credit that despite your educational issues, after school, you obtained a qualification at the College of Further Education and had been in regular employment until the last year, when problems with depression and mental health have prevented you from working. You have had a tragic life.

You said that the Cannabis was not yours and that you were carrying it as you were a person of good character so less likely to be stopped. You described a level of coercion to bring in the Cannabis and we note your vulnerability but, to your credit, and rightly, you do not seek to avoid responsibility for your actions. We note that it was a single importation of an unsophisticated nature.

We note that you suffer from chronic substance misuse which started at a difficult time in your life as described in the Probation Report. You have become addicted to a particular substance and recently ended up in hospital as a consequence. You are working with CDAT, although there is a concern that you do not fully understand the danger to yourself from that particular drug. The probation officer considers that it is better for you to carry on with CDAT than to be referred to the Criminal Justice Substance Service. It is crucial that you attend all the appointments with CDAT.

We note that you have both physical and mental health problems and that you are awaiting a referral to mental health services. There is no drug trafficking investigation sought in this matter.

You are assessed as having a low risk of re-offending and pose no risk of direct harm to the public. We are told that the Court process has frightened you and that this will deter you from offending again. We note however that the probation officer is concerned that you could be forced into offending again because of the company you keep. It is recommended that you get support from Safer and we strongly urge you to do so.

Probation is not recommending any form of statutory supervision, as Miss Le Cheminant considers that you will be best supported by your voluntary attendance at CDAT, seeking support from Safer and with input from mental health services. A suspended sentence was her preferred option. Community Service is not an option for the reasons given in the report.

In view of your mitigation, and particularly your previous good character and profound and significant personal mitigation, we are able to give you a generous discount for your plea and mitigation combined.

### **Sentence**

The Richards guidelines apply to this case, so the starting point is that the custody threshold has been passed, but the discount afforded to you enables this Court to conclude that it would be appropriate to suspend the sentence.

It is the Court's view that it is appropriate to do so because you are assessed as posing a low risk of reoffending and we consider that you can be rehabilitated. As Miss Le Cheminant said in her report, you know what needs to be done and you have the necessary skills.

We have considered whether it would be appropriate also to impose a Probation Order or Suspended Sentence Supervision Order, but it has been explained to us that this will not benefit you, it is down to you to make the changes.

Taking into account all the above and applying a generous discount, the sentence will be one of 15 months' imprisonment, suspended for 2 years from today.

You will not have to serve this suspended sentence of imprisonment unless during the next 2 years you are convicted of an offence punishable with imprisonment. If you are convicted of such an offence, you will be liable to serve all or part of that sentence. A suspended sentence is not a let off. It will hang over your head for that period of time and those will be the consequences, so please do not forget that.

The Crown's application pursuant to section 26 of The Misuse of Drugs (Bailiwick of Guernsey) Law, 1974, as amended, in respect of the drugs and packaging is also granted. The Court notes that this has not been resisted. The Court is satisfied that those items were lawfully seized and relate to the offence.

Miss White, you are lucky to be walking out of Court today, but do not think that the suspended sentence is an easy option. It will hang over you and you will have to be strong if anyone wants you to be involved in drugs or other criminal activity. You need to get some help from Safer with relationships. Remember that you and you alone will be standing in this Court if you do reoffend. If you reoffend you will be back before this Court and you will go to prison. We are told that you are ready to make changes in your life and that you are already going to CDAT for help with your drug issues. You must do this. Please also keep seeing your GP often and accept all the help offered to you by her and others.

I repeat that the sentence is 15 months' imprisonment suspended for 2 years from today.

You may now leave us.

I thank Miss Le Cheminant for attending today, it was very helpful, thank you.

**Catherine Maureen Fooks**  
**Judge of the Royal Court**

**28<sup>th</sup> May 2021**