

Unlawful importation of the Class B controlled drug Cannabis, possession of Cannabis and possession of Cannabis resin.

[2021]GRC039

**ROYAL COURT  
FULL COURT**

7<sup>th</sup> May 2021

**Before: John Russell Finch, Esq., O.B.E., Lieutenant Bailiff and Jurats:  
Claire Helen Le Pelley, Terry John Ferbrache,  
Joanne Marie Wyatt, Peter Francis Gill, David John Robilliard, Marilyn Jasmine King,  
Paul Martin Burnard, Heather Reed.**

**THE LAW OFFICERS OF THE CROWN**

- v -

**Nadir MOHAMMED**

**Advocate R J Calderwood appeared for the Crown  
Advocate S E Steel appeared for the Defendant**

**LIEUTENANT BAILIFF:**

**Background**

You appear here today for sentence on an indictment containing 3 Counts:

- Count 1 – the unlawful importation of the Class B controlled drug cannabis;
- Count 2 – the possession of cannabis;
- Count 3 – the possession of cannabis resin.

The maximum sentences are 21 years, 10 years and 10 years respectively.

You are now aged 19. You have a conviction for obstructing the Police, to which you pleaded guilty on 21.09.2020. I will convene as the Magistrate's Court after this hearing and deal with the matter. There are two unrelated motoring convictions. The obstruction, we are told, involved frustrating a drugs search.

We note the circumstances of your arrest when you were found in possession of cannabis and cannabis resin – Counts 2 and 3 of the Indictment. At a search of your home, four opened postal packets were located in your wardrobe. Two smelt very strongly of cannabis and one had a small residue. The Prosecution infer the contents had been emptied, as can be seen from photograph 8 in our bundles. Examination of your mobile telephone, to which you had provided the passcode, also revealed relevant evidence, including a request to use the false name shown on the packages. We do not repeat every single item of the cannabis-linked information that was found, including images and a list of friends and acquaintances with a total of £125 by their names.

UK Greenery, a contact, is, as the Prosecution say, plainly a cannabis dealer. You indicated that you were placing orders for drug paraphernalia rather than cannabis. Your plea of 'guilty' on Count 1, you say, is that you facilitated the import of 14 grams of cannabis, ie, Sativa, as described to a friend.

The common ground between the Prosecution and the Defence is such that I ruled no hearing need be held on the differences, as they were not especially material in relation to sentence, whether it was for you or for someone else.

A 14-gram importation would be £280 - £420 in Guernsey street prices, but we sentence on the basis of the case, Advocate Steel has put forward.

There has been an undesirable and long delay in this case coming to a hearing today; partly occasioned by the pandemic, but in your favour as it was not essentially your fault. Pleas were entered, originally 'not guilty' on Count 1, but the 3-day slot was vacated on the 14 April 2021. We repeat, that any differences between yourself and the Prosecution are not deemed material in sentencing.

You have remained on conditional bail since 27 July 2020. The arrest was as far back as 18 October 2019. We accept that forensic examinations and financial enquiries were necessary, but the delay is unfortunate and excessive.

### **Sentencing Considerations**

In importation cases, we are bound by Court of Appeal guidelines to which we must adhere. For the quantity we consider, noting the abuse of the postal system, despite the amount being very much at the lower end of the band, that a starting-point of 3 years is appropriate. We then go to consider and apply relevant mitigation.

### **Mitigation**

Whilst the 'guilty' plea on Count 1 is late, this is counter-balanced by the long delay in this coming to Court today.

We note the observations of your Advocate and the letter and have carefully considered the Probation Report. Whilst we are always grateful for the work done in providing such reports, the recommendation for a conditional discharge in respect of a Royal Court case, subject to the Richards guidelines (which is the Court of Appeal case that binds us), is inappropriate and we are surprised that it should have been made.

Nevertheless, considering all the circumstances, we find that an immediate custodial sentence is not called for in this case.

### **Sentence**

You could quite easily have gone down those steps through that door with a sentence of 12-18 months Youth Detention today. Now you have got this conviction, not only does it stop you travelling to many places, such as the USA, but it means you cannot recycle the mitigation we have heard today anymore.

Particularly, should you fail to comply with this order and/or re-offend, you will be off in the van to Les Nicolles. You only get one chance for this level of offending. We aggregate the sentences concurrently to reflect all the material facts.

- In respect of Count 1 the sentence is – 12 months' Youth Detention, suspended for a period of 2 years. The grounds being the seriousness of the offences and the need to prevent crime, especially drugs offences.
- In respect of Counts 2 and 3 the sentence on each – 7 days' Youth Detention, suspended for 2 years, all concurrent.
- Grand Total: 12 months with 2 x 7 day periods concurrent, suspended for 2 years.
- Total – 12 months.

- Destruction and Forfeiture as requested.

As stated, please do not come back here for reoffending and speaking for myself, even if you go back to the Magistrate's Court, your number will come up in Les Nicolles Prize Draw and I personally, as your Advocate may have told you, but will certainly confirm should you speak with him after the case, have a long memory and an unforgiving disposition. Look at the consequences. We hope that younger people will realise that these offences are life-changing. We are all deeply concerned about the increasing number of young people who foul their lives up with drugs convictions appearing before us. This is a considerable concern and we hope that young people are educated as to these life-changing consequences – it really does foul your life up and I repeat, you could very easily, and it couldn't really have been effectively appealed in my view, have gone down those steps for at least a year, but you are walking today with a suspended sentence. Again, as your Advocate will tell you, in the next 2 years if you put a foot wrong, not just drugs, but a foot wrong anywhere, you will come back here, and you get the high jump. So, for 2 years you have got to behave yourself, otherwise back here and down the steps.

**J R Finch, O.B.E.**  
**Lieutenant Bailiff**

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