

Unlawful importation of the Class A drugs cocaine and MDMA; unlawful importation of the Class B drug cannabis resin and as concerns the First Defendant failure to comply with a RIPL Notice.

[2020]GRC088

**ROYAL COURT
FULL COURT**

16 October 2020

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

**Claire Helen Le Pelley, Jonathan Grenfell Hooley, Peter Séan Trueman Girard,
David Percy Langley Hodgetts LVO, Steven John Morris, Joanne Marie Wyatt,
Stuart Michael Crisp, Jurats.**

THE LAW OFFICERS OF THE CROWN

- v -

Hannah Michelle WILLEY

&

Karli Rae WELLINGTON

**Crown Advocate C G Dunford appeared for the Crown
Advocate L C Roffey appeared for the First Defendant (Miss Willey)
Advocate S Mallett appeared for the Second Defendant (Miss Wellington)**

LIEUTENANT BAILIFF:

Background

You appear for sentence on an Indictment setting-out the following offences:

- Count 1 – the unlawful importation of the Class A drugs cocaine and MDMA;
- Count 2 – the unlawful importation of the Class B drug cannabis resin;
- Count 4 – First Defendant, Hannah Willey only, failing to comply with a RIPL Notice

The maximum sentences are life, 21 years and 2 years respectively.

Another defendant has pleaded ‘not guilty’ and will have a separate trial before a fresh Bench. An order has been made stopping reporting of your case until that case is concluded, in the interests of justice.

You have been in custody since 8th November, 2019. The covid-19 epidemic has caused delays. You gave timely ‘guilty’ pleas.

The first accused is now aged 31; the second accused is aged 32. Both of you are of previously good character. The essence of the case is that you were both couriers, driving a car on which this very considerable consignment of drugs was concealed, from the UK to Guernsey, and planning to go to Happy Landings, to meet the persons who would take possession of it.

The basic facts were set out in the comprehensive Prosecution outline. To summarize, you came here via Condor from Poole. The first defendant was the driver of the car and the second defendant was the passenger. Having been stopped by Customs, a very large amount of drugs was found hidden in the vehicle, 3854.4 grams of cannabis resin, Guernsey street value £77,088 - £115,632; and 1120.1 grams of cocaine, some mixed with MDMA, with a Guernsey street value, if sold as cocaine, £112,019 to £168,015. Guernsey street values, in our unfortunately very extensive knowledge of drug cases, are considerably higher than in the UK. You were directed to go to Happy Landings. Originally you were told to go to the Airport car park and recover a car, previously brought here by the first defendant and another person.

We have, as mentioned, a very full and comprehensive explanation of the facts by the Prosecution. We need not go over it all again. We have heard about the puncture and the delay in travelling. We note the second defendant provided the code to access her phone but the first defendant did not. Fortunately, high level analysis forced access to it. This showed that the second defendant (Miss Wellington) had been recruited at a late stage to assist.

We have heard at considerable length about your apprehension and the lies you told to Law Enforcement. These are not helpful to your case. We also had the highly relevant phone examination evidence. Again we need not repeat it. The totality of the evidence against you was very strong. We have also heard of your interviews. The first defendant refused to provide phone details. The denials in interview do not help either of you and insulted everyone's intelligence. Again we need not go over the details we have heard. It is however fair to repeat, that you did plead 'guilty' at the first opportunity.

Sentencing Considerations

You will have been told that we are bound by a decision of a higher court on sentencing. This guidance applies to drug trafficking offences. The English guidelines do not bind us, but may help in looking at aggravating or mitigating factors. Here, the band of sentences for Class A drugs in powder form has as a starting-point for over 400 grams, 14 years upwards. This was 1120.1 grams. For Class B, 3854.4 grams of cannabis resin, the band is 5 to 8 years as a starting point.

We also note the guidance referred to by the Prosecution in paragraph 8 from the guideline case of Richards. We select a combined starting-point, noting especially your roles, which we accept, as couriers, and the quantity of the drugs. The drugs were concealed in your car and we have seen the photographs.

Other cases are of limited help, especially when not guideline cases. Every case has to be dealt with on its own individual facts and sentencing is not conducted as a mere mathematical exercise. In other words, every case is different and whilst we try to sentence in a consistent way, each case needs careful individual examination. This would appear to be our largest importation of Class A drugs.

We arrive at the starting-point as follows:

- For Count 1, an exceptionally large amount of Class A drugs – 18 years.
- In respect of Count 2 – 5 years.
- The combined starting-point, reflecting in our judgment the totality of the offending, cannot fairly be less than 20 years.

This was obviously a serious case indeed on a very large scale. We deal with Count 4, which is in relation to the first defendant, separately. We should add that where there is an erroneous belief as to the nature of any drugs imported that is not a mitigating factor; see the guidelines.

Mitigation

To your credit, we give this in full; we have an early ‘guilty’ plea and your previous good characters and we note your personal circumstances. We have considered the Probation reports and the submissions of your able Advocates. We stress, as we have to from time to time, that sentencing is not an exercise carried out in the interests of defendants and as our Court of Appeal has said, “pressure” is not mitigation and it is wrong to add a category for it short of the legal defence of duress.

Taking everything we have heard into account, the two factors mentioned earlier weigh in your favour and we give an enhanced discount. We are bound to say that although the evidence was compelling, you have nevertheless saved very valuable court time by your pleas. All relevant matters have been taken into account when we consider the appropriate discount which we assess on all the facts here, erring on the merciful side, as noticeably over one-third and going in the region of one-half.

Sentences

You played, as couriers, a critical role in this huge attempted importation, which failed due to the acumen of the Guernsey Customs. This would have added vastly to the stock of available drugs in this Island and made money for unpleasant people and caused misery to others. This court sees the effects of drug-taking in a large number of cases and it not only affects drug users, but also their families and the victims of crimes committed to fund their drug habit.

Guernsey is not a soft touch for those who import drugs. As the Court of Appeal put it – “misuse of drugs is one of the scourges of European society at the present time”. We are giving you both a discount that errs, if at all, on the side of mercy. We sentence on Count 1, that is the first and most serious count reflecting your overall criminality and make the sentence on Count 2 concurrent. The amount of sympathy a court feels for you in your unfortunate personal circumstances is dwarfed by the potential harm this would have caused had these drugs gone on the market. We note Miss Wellington had a lower, to an extent, level of involvement on the facts, and appeared at a later stage without apparently any payment.

- In respect of Count 1 for Miss Willey, the sentence is 10 years and 6 months’ imprisonment.
- In respect of Count 1 for Miss Wellington, the sentence is 8 years and 6 months’ imprisonment.
- On Count 2, (as we said concurrent), the sentence is 4 years’ concurrent.

On these Counts for the drug offences the total is therefore:

- 10 years and 6 months’ imprisonment for Miss Willey and
- 8 years and 6 months’ imprisonment for Miss Wellington.

In respect of Miss Willey on Count 4, which is a continuing problem, we sentence to 6 months’ imprisonment, considering that merciful bearing the totality principle in mind. But that can only apply to this case and not future matters where higher sentences are very likely and that will be consecutive. The grand total therefore is:

- For Miss Willey – 11 years imprisonment from the date of arrest on 8th November, 2019.
- For Miss Wellington – 8 years and 6 months’ imprisonment from the date of arrest on 8th November, 2019.
- Forfeiture and Destruction as requested.
- Compulsory Statutory Supervision on release.

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

16 October 2020