

Unlawful importation of the Class A drugs cocaine with MDMA and the unlawful importation of the Class B drug, cannabis resin.

[2022]GRC012

**ROYAL COURT  
FULL COURT**

**3<sup>rd</sup> March 2022**

**Before: John Russell Finch, Esq., O.B.E., Lieutenant Bailiff and Jurats:  
Stephen Murray Jones OBE, Terry John Ferbrache,  
David Percy Langley Hodgetts LVO, David Allan Grut,  
David James Mortimer, David John Robilliard, Marilyn Jasmine King, Tina Jane Le Poidevin,  
Heather Reed.**

**THE LAW OFFICERS OF THE CROWN**

- v -

**CHRISTOPHER NEIL BEARE**

**Crown Advocate C G Dunford appeared for the Crown  
Advocate S E Steel appeared for the Defendant**

**LIEUTENANT BAILIFF:**

**Background**

You appear here today for sentence on two Counts:

1. Count 1 – unlawful importation of the Class A drugs cocaine with MDMA – ecstasy. Total amount 1,120.1 gms, with others previously dealt with. Maximum penalty, life imprisonment.
2. Count 2 – a similar charge in respect of the Class B drug, cannabis resin. Total amount: 3,854.4 gms, with others previously dealt with, maximum penalty, 21 years.

There has been, as the Prosecution put it, an extensive history to this case, which had to be gone into. Suffice it to say at this stage, apart from the problems caused by Covid, the delay is not down to either the Law Officers of the Crown or the Court.

The two other participants were sentenced on ‘guilty’ pleas, to a total of 11 years and 8 years 6 months respectively. Hannah Willey appealed against her sentence unsuccessfully in the Guernsey Court of Appeal. The starting-point for them was 20 years, approved by the Court of Appeal.

As the Prosecution put it, you have lied throughout the progress of this case and caused an extensive amount of extra work. Eventually, the Newton hearing, set-down to ascertain your role was vacated and the case listed for sentence, which was also vacated. In view of the complex facts, these remarks are necessarily longer than is usual.

You are a 36 year old person residing in the UK. You committed these offences whilst subject to an indeterminate sentence, passed on 1<sup>st</sup> December 2006, for robbery with an imitation firearm. In 2015, you received 12 months for possession with intent to supply cannabis and cocaine as the offence.

Your PNC record shows:

- 7 offences against the person;
- 3 offences against property;
- 2 theft and kindred offences;
- 2 public disorder offences;
- 2 drug offences;
- 2 weapon-type offences.
- We note GBH with intent and possession of a firearm at Truro Crown Court on 13<sup>th</sup> February 2003, when you received 42 months;
- followed by a battery on 23<sup>rd</sup> March 2005 at Truro, where a sentence of 80 days was passed.
- You have other convictions for battery, and we have mentioned the other offences earlier (as above).

You have been in custody since 9<sup>th</sup> November 2019. We repeat, that the delay is largely at your door. You have, been constantly minimising your responsibility as a major mover in this very serious case.

The Guernsey street-price is notably higher than in the UK. The total street-price on Count 1 is £112,010 to £168,015 if sold as cocaine, and on Count 2 is £77,088 to £115,632.

The two women who were the couriers, driving the car in which the drugs were concealed from the UK to Guernsey, where it is believed they would have gone to Happy Landings; were down to meet you, or the local contact. You were responsible solely, or with others (as you say) for overseeing this operation.

We have heard an admirably full and lucid summary of the case, which we need not repeat. To arrive at today's sentencing hearing, a huge amount of detailed work was necessary from Law Enforcement and the Crown. The messages we have heard read go a long way to explaining your role, we need not repeat these extensive details.

When you were apprehended and interviewed, you lied your head off at some length and scientific evidence was needed to assist the case here.

Interestingly enough, the couriers got a puncture in England, missed the ferry and had to re-arrange things. You, as a result, had to change your own travel plans to cope with the car arriving a day later than planned.

One example of a message is that on 7<sup>th</sup> November 2019: *"I will have to sort the whole trip again and I would have to make the car safe till it come over."* The Prosecution say you were working as part of an organized crime group. On 8<sup>th</sup> November 2019, we have heard the messages between Hannah Willey and yourself, including almost certainly references to her cut – *"Yes, told you 5"* and instructions to go straight to the Airport - *"next to it is a pub part (park) in that car park"*. There are a whole mass of other messages and other evidence we have heard about.

On 14<sup>th</sup> October 2021, your Advocate notified the Prosecution that you were overseeing/supervising the importation whilst on the Island, at the direction of those above you in the chain. Even then, you have twisted and turned, trying to minimise your culpability. We are bound to note the account you imparted to the Probation Officer, set-out in the report, which insults everyone's intelligence.

## **Sentencing Considerations**

Your conscientious Advocate will, undoubtedly, have told you that we are bound by Richards guidelines, promulgated by the Court of Appeal. Some people wrongly think they apply to simple possession charges, but they don't, they only apply to importation and other drug-trafficking offences.

For Class A powder, the range of sentences as a starting-point for importing over 400 grams is 14 years upwards. This was about three times over that amount for Count 1. As mentioned, the starting-point for the couriers totalled 20 years before the mitigation was applied. They received generous credit for guilty pleas, but you have caused numerous delays and expensive extra work; including expert audio evidence. When drugs of different categories are imported at the same time, the court needs to select a combined starting-point, impose the heaviest sentence on the most serious count and make the other or others concurrent. The 20-year starting-point for the two couriers was, as stated, accepted by the Court of Appeal in a helpful and clear judgment.

We need to consider the appropriate starting-point in your case. You had a major role, have a very bad previous record and wasted a great deal of time with failing to accept your responsibility. Had you come clean straight away instead of lying, the sentence, although still very substantial, would have reflected a greater discount.

This is one of the very largest importations here that I have personally encountered in 33 years in the Island as an Advocate and Judge. The sentence must reflect that plus the very nasty effects of unleashing this quantity of drugs, particularly Class A, in Guernsey. We are only too aware of the misery, including offending, that results from people who need to finance their drug habit.

If 20 years was the correct starting-point for the two couriers, this period must be considerably enhanced for an overseer and arranger, which is what you were.

Taking everything fairly into account, we start with 20 years on Count 1 and 4 years on Count 2, total 24 years. This reflects your admitted, extensive role and the other matters we have set out.

### **Mitigation**

Turning to mitigation, we have carefully considered what your Advocate has told us, noted the reference, read the Probation report – which we repeat is marred by some of your lying. Then there is a report from an autism consultant which is only of limited value. It refers to a false version of what took place and alludes to a “textbook example of naivety”, based largely on your version. It is not textbook naivety to participate in organising a large drug importation for profit. It is stone cold wickedness. The value of this report is, with respect, limited. We stress again, the conclusions appear to be based on another version of events given by you, similar to the one given to the Probation Officer.

We do give a discount for the guilty pleas, but, as stated, it is markedly less than if you had had the decency to come clean when apprehended.

We are conscious that the end result is a heavy sentence and you are still subject to your English indeterminate sentence having re-offended.

It is not our function to cast around for mitigation, apart from the limited mitigation afforded by your eventual guilty pleas, we cannot see anything much at all on these facts apart from noting your condition.

### **Sentences**

These must reflect the enormous seriousness of your offending. You are not, on the facts, a person rendered ‘naïve’ by your condition. You are a fluent and inveterate liar who coldly for profit, took a

leading position in this, in Guernsey terms, huge importation. Rather than naïve, you are a calculating man, seeking to profit from other people's misfortunes. The effect of this volume, especially of Class A drugs, appearing in this Island would be immense. Society has earned a very long rest from your activities and we must also demonstrate that Guernsey courts will pass realistic sentences, including an element of deterrence, for large-scale offences involving controlled drugs.

The sentences are as follows, commencing from 9<sup>th</sup> November 2019 when first in custody:

- In respect of Count 1: 19 years' imprisonment.
- In respect of Count 2: 4 years' imprisonment, concurrent.
- Total sentence: 19 years' imprisonment from 9<sup>th</sup> November 2019
- Forfeiture and Destruction Orders, as requested.

We commend the Prosecution and Guernsey Law Enforcement for their very hard and complex work - this is an extremely serious case.

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

**3<sup>rd</sup> March, 2022**