

Offences of the infliction of GBH, being concerned in the supply of cannabis and cannabis resin, controlled drugs of Class B, commission of assault and the unlawful importation of the Class B controlled drug cannabis.

[2022]GRC032

**ROYAL COURT
FULL COURT**

14th April 2022

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

**Terry John Ferbrache, Jonathan Grenfell Hooley,
David James Mortimer, Joanne Marie Wyatt, David John Robilliard, Stuart Michael Crisp,
Tina Jane Le Poidevin, Heather Reed, Simon Ernest Bodkin.**

THE LAW OFFICERS OF THE CROWN

- v -

ALEXANDER EDWARD FALLA

-and-

JOANNE MARY BAKER

-and-

LIAM MICHAEL REECE WAKEFORD

Crown Advocate C G Dunford appeared for the Crown

Advocate L C Roffey appeared for the First Defendant (Falla)

Advocate S Mallett appeared for the Second Defendant (Baker)

Advocate C Tee appeared for the Third Defendant (Wakeford)

LIEUTENANT BAILIFF:

Background

You appear here together on an indictment containing four counts:

Counts 1 and 3, the accused **Falla** and **Baker**;

Count 2, the accused **Wakeford** alone;

Count 4, the accused **Falla** alone.

Mr Wakeford faces a separate indictment that will be dealt with later on.

Count 1 is infliction of Grievous Bodily Harm (“GBH”);

Count 3, being concerned in the supply of cannabis and cannabis resin, controlled drugs of Class B;

Count 2, assault;

Count 4, the unlawful importation of the Class B controlled drug cannabis.

The maximum penalties are:

Count 1: life imprisonment;
Count 2: life imprisonment;
Count 3: 21 years' imprisonment;
Count 4: 21 years' imprisonment.

Mr Falla is aged 27. There are relevant convictions. On 16th November 2012 supplying controlled drugs – 3 years and 8 months' Youth Detention; 17th October 2014 wounding with intent – 15 months' Youth Detention; 16th January 2017 importing a controlled drug – 42 months' imprisonment; 9th February 2017 assault – 10 months' consecutive.

Miss Baker is aged 37. There are previous dishonesty matters. On 12th May 2005 – 5 years' Youth Detention for manslaughter; 29th June 2011 assault - 15 months' imprisonment.

Mr Wakeford is aged 21. On 4th January 2017 a CSO for GBH; sending indecent messages on 2nd August 2017 – with a suspended sentence supervision order which was later activated; 31st October 2019 burglary – 16 weeks' Youth Detention and also offences on the record of disorderly behaviour and criminal damage with CSO's and alternatives activated. Last to mention, in January 2019, a fine of £700 for simple possession of a controlled drug and also on 5th March 2020, another CSO for assault.

Mr Falla and **Miss Baker** were charged on 30th September 2020 and have been in custody since. **Mr Wakeford** has been on conditional bail throughout since 16th November 2020. We do not give the defendants any lack of credit for the delay, in other words it is not put at their door at all.

There were discussions before guilty pleas were entered. We need not repeat the account given by the Prosecution in their helpful and comprehensive statement of the facts. In particular, **Wakeford** came to face an assault count (Count 2) instead of joint GBH.

The detailed account by the Prosecution started with Counts 1 and 2. The victim had run-up a substantial drug debt to **Alex Falla** and **Joanne Baker**. He delayed paying it back and, in effect was taking the mickey out of his creditors, which proved to be an unwise move. **Joanne Baker** contacted **Liam Wakeford**, who had a separate grudge against the victim, in order to join in the assault. As the Prosecution say, this was not a random incident.

Falla and **Joanne Baker** extracted £340 cash from the victim who later ended up in the boot of a car with them and other persons present. The car went off to Pleinmont, **Joanne Baker** summoned **Wakeford** to alert him. The victim believed he would be caused harm by **Wakeford**. At the Headland, **Falla** opened the boot and assaulted the victim. The accounts show the victim was badly shaken. He was seriously attacked, punched all around the face, went on the ground and was kicked at least four times in the face. **Joanne Baker** was noted to kick him once in the face. **Wakeford** then arrived and also assaulted him with a flying kick to the face and he and **Falla** started punching and kicking him in the face again. He ended up without his clothes. After this ceased, the victim walked up to a nearby property and assistance was obtained.

The medical evidence eventually revealed a fracture of the floor of the right eye socket, severe swelling to the face, ears and nose and a closed right eye. The victim had to return for further treatment and a CT scan.

The mobile phone evidence has been quoted at length as well as some Snapchat. One conversation between **Joanne Baker** and an individual called 'Corbs' was especially vivid and damning. Contact between **Baker** and **Falla** leading-up to the incident was also clearly shown. The drug debt may have been as high as £4,500. There was clear, guilty, pre-planning.

The Prosecution have also fully explained the basis of their acceptance of **Mr Wakeford's** plea to the assault.

Count 3 relates to **Joanne Baker** and **Falla** and Count 4 to **Mr Falla** only.

Officers arrived in strength to their home address. To put it simply, **Falla** ‘legged it’ and had to be subjugated. We need not again repeat all the details set-out by the Prosecution, but 112.54 grams of cannabis and cannabis resin were found, these are part of Count 3. Both **Falla** and **Joanne Baker** were involved in dealing. There was clear evidence from mobile devices, plus £6,264 in cash. This has been carefully explained to us, from expert evidence. It was a joint enterprise, with **Mr Falla** co-ordinating the importation of drugs to Guernsey and arranging payment to UK suppliers. This was sometimes in bulk and he was supplying middle-ranking dealers further down the chain.

It seems the assault victim had been supplied with drugs and, as stated, owed some £4,500.

Count 4, as stated, concerns **Alex Falla** only and is linked to the account we have of the drug offences. This was a successful importation of two packages - around 13 oz in each so a total of 26 oz, a bit less than the 28 oz anticipated – 736 grams in total.

We need to remember that this was all sold on. We need to avoid double-counting in sentencing for this. The amount sold on was obviously financed by the proceeds of previous drug dealing.

The street-value of the amount received at the premises was between £2,250.80 and £3,376.20.

The street-value of the 736 grams importation was between £14,720 and £22,080. **Joanne Baker** has also pleaded guilty to Count 3, being concerned in the supply of the 736 grams and also the 112.54 grams that was to be supplied.

We have been told that **Joanne Baker**, via her Advocate, indicated a willingness to be a Prosecution witness against **Mr Wakeford**. The decision was made not to call her as the Prosecution did not feel they could put her forward as a credible witness, which is wholly understandable in all the circumstances. This, in our judgement, is not something that materially affects the sentencing here. Her proposed evidence was wholly unsatisfactory and unreliable and also, we need not go over the unsatisfactory accounts given by the defendants to the investigators.

Sentencing Considerations

Count 1: GBH. We apply a maximum of 5 years for this offence, as is the case with the like offence in England – Section 20 Offences Against a Person Act, 1861. This was a sustained, nasty, serious and planned assault by two people with poor records. We treat it as a joint enterprise. We consider that each of these defendants should have the same starting-point of 4 years and 6 months. We note appropriately the Victim Impact Statement.

Count 3 is another joint enterprise. You were both concerned. We are bound to note **Mr Falla’s** relevant previous convictions and we therefore enhance his starting-point. We sentence him on the basis put forward by the Prosecution: 736 grams supplied and the other, 112.54 grams, to be supplied.

Count 4, the importation will be concurrent, to avoid double-counting. We follow the binding guidelines issued by the Court of Appeal. We start at 5 years and 3 months for **Falla** and for **Miss Baker**, 3 years and 9 months.

In respect of Count 2 for **Mr Wakeford**, this is a serious assault matter. Assault cases vary considerably and his record is also hardly unblemished. He deliberately participated and we start on Count 2 at 18 months.

Mitigation

We note what was put forward by your experienced Advocates. We also note the Probation reports and the accounts you gave there. **Mr Falla** falls into a part of the population with a high risk of re-offending and MAPPA (Multi-Agency Public Protection Arrangements) will be in place.

In relation to mitigation we, erring on the side of generosity, afford discounts in the region of one-third. We stress, sentencing is not a purely arithmetical exercise. We have sought to factor in all the matters raised and give them proper weight.

Sentences

Mr Falla and **Miss Baker** would you both stand please for a moment.

This, as stated, is a serious case. We are bound to take the records of both of you into account. Substantial sentences are merited.

- Count 1: As said, as mentioned, we treat you both alike, the sentence for you both is 3 years' imprisonment.
- Count 3: Supplying. **Mr Falla's** sentence reflects his drug convictions. His sentence there is 3 years and 6 months' imprisonment and **Miss Baker**, 2 years and 6 months' imprisonment, both consecutive.
- Count 4: **Mr Falla only** - 3 years and 6 months imprisonment, concurrent, I repeat, to avoid the double-counting.
- Total**: **Mr Falla – 6 years and 6 months' imprisonment**
Miss Baker – 5 years and 6 months' imprisonment
Both sentences are from 30th September 2020.

Those are your totals and I also grant the other Orders requested and will deal with the Drug Trafficking timetable in a moment.

Would you both now go down please.

On the Second separate indictment, **Mr Wakeford** faces one count of supplying the Class B controlled drug Cannabis resin – maximum penalty 21 years' imprisonment.

We have again heard a comprehensive account of the facts from the Prosecution.

This concerns a package of 1,837 grams of cannabis resin found at a search of your address. It was found in the boundary hedging.

The forensic evidence obtained was very strong indeed and the scientists found the highest category of DNA evidence implicating you. The total street-value of this quantity is given as between £91,850 and £128,590.

Sentencing Considerations

We are bound by the case of Richards which your Advocate will have explained to you. For this very significant amount, we go to consider what starting-points should be afforded in the band 3 – 6 years (for up to 2 kg) which the Court of Appeal have laid down. Taking all the circumstances fairly into account, we start at 5 years.

Mitigation

Your plea of guilty was inevitable, in view of the clear DNA evidence, but timely. We have noted your Advocate's submissions and the rather unconvincing things you said to the Probation Officer. We again err on the side of generosity and give you a discount in the region of one-third.

Will you please stand up **Mr Wakeford**

Sentence

We deal with the first indictment to start with; a serious case of assault, in unpleasant circumstances. We concluded that a starting-point of 18 months was merited. In respect of that offence, the sentence is 12 months' imprisonment.

On the second indictment, taking account of the large (in Guernsey terms) amount and following the guidelines, as well as assessing the facts of this particular case, the sentence is 3 years and 3 months' imprisonment, consecutive.

- **The total is therefore: 4 years and 3 months' imprisonment from today's date.**

In all three cases there will be Compulsory Supervision after release for one-quarter of the total sentence.

Mr Wakeford, would you please go down with the officer.

- Counsel have agreed the Section 12 statements.
- Forfeiture and Destruction Orders as agreed.
- Drug Trafficking timetable, as agreed.

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

14th April 2022