

Being knowingly concerned in the unlawful importation of the Class B controlled drugs cannabis and cannabis resin and being in possession of cannabis.

[2022]GRC035

**ROYAL COURT  
FULL COURT**

**1 April 2022**

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

**Terry John Ferbrache, Jonathan Grenfell Hooley,  
Steven John Morris, David James Mortimer, Joanne Marie Wyatt, Marilyn Jasmine King,  
Paul Martin Burnard, Heather Reed, James Robert Toynton.**

**THE LAW OFFICERS OF THE CROWN**

- v -

**BRADLEE STEPHEN GARNHAM**

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

**LIEUTENANT BAILIFF:**

**Background**

You appear here today for sentence on an indictment containing five counts: Counts 1-4 that between 14<sup>th</sup> June and 15<sup>th</sup> July 2021 you were knowingly concerned in the unlawful importation of the Class B controlled drugs cannabis and cannabis resin; Count 5, the possession of cannabis. The maximum penalties on Counts 1-4 are 21 years' imprisonment; and Count 5, 10 years' imprisonment.

This case concerns the importation of a total of 59.38 grams of cannabis between the dates given.

You are a 23 year old local man with one relevant previous conviction on 31<sup>st</sup> July 2020, where there was a fine of £400 imposed for possession of a controlled drug. Timely guilty pleas were indicated and given. You have been on unconditional bail throughout.

We have heard the facts, namely the 3 postal importations on 14<sup>th</sup> June, 8<sup>th</sup> July and 15<sup>th</sup> July, 2021. All were intercepted by the Guernsey Customs. It was your address, but false names. Count 5 resulted from the search of your premises, where 0.29 grams of herbal cannabis was found in your bedroom. We have seen the photographs and digital scales were also found. You failed to provide your phone code, but officers were fortunately able to get in. The name 'Trench' was used on two of the postal deliveries and, was on an instant messaging service. There were orders for controlled drugs, as we have heard. One message, with an order date of 30<sup>th</sup> June 2021, included the helpful instruction – "*Put the packs inside of the cardboard boxes you use please, find that's the only way (sic) it's been getting through lately*".

Snapchat messages in the name of "*Sarah King*" on 12<sup>th</sup> July 2021 were found, the name on the package seized 3 days later. Other images included photos of suspected drugs, a bong with the caption "think I'm scared", scales and cash. You were not at all helpful in the interview. The total weight imported was 59.37 grams, Guernsey street-value approximately, £2,400 to £4,176.

## Sentencing Considerations

You will be well aware that we are bound by the Court of Appeal case of Richards recently reaffirmed in another case – Orchard and Others. These guidelines apply to importation or supply offences, not simple possession. Our task is to select a starting-point and then proceed to consider any appropriate mitigation. For cannabis up to 2 kgs the starting-point is 3-6 years.

Misuse of the postal system is regarded as an aggravating factor. Here we have 3 postal importations. We add the amounts together and sentence concurrently to reflect the totality of the offending. So we look at the 59.37 grams, we go up from the bottom of the scale for two main reasons: 3 offences each postal importations and the fact you were concerned with the onwards supply from the messages. Our starting-point to reflect this is 3 years and 6 months in total.

## Mitigation

We have considered what was said by your Advocate, the GP's letter and read the Probation Report. We note your diagnosis of ADHD and the use of cannabis. You fall into a population with a medium risk of re-offending. We note also your history of anxiety and depression – not especially evident from some of the photographs we have seen.

The evidence for the Prosecution was strong. The images seen are also relevant. We give you a discount for your pleas of guilty and the fact you have not previously served a custodial sentence. All in all, perhaps erring rather on the side of leniency, this amounts to just over one-third in total.

## Sentence

We note the chat on WhatsApp indicating onward supply:

Cal Ren asks: *“Hey mate have you got anything?”*

You reply on 23<sup>rd</sup> August 2021: *“Might be able to get a few later, won't be cheap though islands dry.”*

You knew what you were doing and you repeated your offending. A custodial sentence on a fair reading of the facts is inevitable. As stated, we look at the totality and make them concurrent, so as to represent your overall offending. Non-custodial disposals are not appropriate in all the circumstances – this is way past the custody threshold. The sentence of the Court therefore is as follows:

- Count 1 - 2 years' imprisonment
- Count 2 - 2 years' imprisonment
- Count 3 - 2 years' imprisonment
- Count 4 - 2 years' imprisonment
- Count 5 - the possession of a small amount – 1 day's imprisonment
- All these sentences are concurrent.
- **Total: 2 years' imprisonment from today**
- Forfeiture and Destruction Orders as requested.
- Compulsory Supervision after release for one-quarter of the total sentence.

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

**1 April 2022**