

Knowingly concerned in the unlawful importation of the Class A controlled drug, cocaine.

[2022]GRC068

**ROYAL COURT  
FULL COURT**

**1<sup>st</sup> September 2022**

**Before: John Russell Finch, Esq., O.B.E., Lieutenant Bailiff and Jurats:  
Stephen Murray Jones OBE, Claire Helen Le Pelley, Terry John Ferbrache,  
David James Mortimer, David John Robilliard, Marilyn Jasmine King, Paul Martin Burnard,  
Heather Reed, Simon Ernest Bodkin.**

**THE LAW OFFICERS OF THE CROWN**

- v -

**JAMES ANDREW CURSLEY**

**Crown Advocate F M Russell appeared for the Prosecution  
Advocate S E Steel appeared for the Defendant**

**LIEUTENANT BAILIFF:**

**Background**

You appear here today for sentence on one Count of unlawfully being concerned in the importation of the Class A controlled drug, cocaine. The maximum penalty is life imprisonment.

You are a 29 year old UK resident with no previous convictions, only a caution back in 2007.

You were charged on 9<sup>th</sup> May and an early guilty plea was indicated and you have remained in custody throughout.

The case arises from your arrival at the Airport on 8<sup>th</sup> May 2022. You were suspected of the internal concealment of drugs, and later on admitted "*I have something inside me*". You confirmed that this was cocaine.

You subsequently produced a 7" x 2" cylindrical packet in the hospital commode. It contained, on analysis, 82.68 grams of a partially compressed white powder, identified as cocaine with a 73% purity.

You were not forthcoming in interview, but gave your PIN number, and this revealed nothing of evidential value. The Guernsey street price at the time was between £8,268 to £12,402.

**Sentencing Considerations**

You will have been made aware that this Court is bound by guidelines imposed by the Court of Appeal, in the case of Richards and Others. These guidelines have recently been re-affirmed by the Court of Appeal and it is our duty to comply with them. We emphasize this point, because, as a matter of law we have to follow them.

For the quantity 82.68 grams of Class A drugs in powder form, the band of sentences as a starting-point is 9 to 12 years. Our task is to select a starting-point, based on the facts of the case and then to proceed to look at any applicable mitigation.

Here, considering the quantity and what is regarded as an aggravating factor, namely internal concealment – whether by stuffing or swallowing, we start at 11 years.

### **Mitigation**

We have considered what your Advocate has told us and the many good references submitted, plus a helpful Probation Report. These make things clearer and, a set of facts which we are only too familiar with is set-out. You owed your UK dealers around £1,500 and were going to earn some extra money, around £3,000 profit. You were targeted, and a cocaine user, and fell into debt. But we note in your favour, a good work record and, there is credit for the plea. We propose to treat you as of previous good character, which is a noticeable element in your favour. Mainly because of that, we afford you a discount, erring, if at all on the side of leniency, of 50%. We note your remorse and take it fully into account.

### **Sentence**

Whatever your background and whatever your personal problems, that does not excuse you from bringing in a significant quantity of this Class A drug into Guernsey. The human misery that this could have caused is fortunately curtailed. There needs to be an element of deterrence for those who commit this crime. Do not import drugs into Guernsey or this will be the likely result.

Taking everything carefully into account, the sentence of the Court today is:

- 5 years and 6 months' imprisonment with effect from 8<sup>th</sup> May 2022.
- Forfeiture and Destruction Orders, as requested.
- Compulsory Supervision for one-quarter of the total sentence on release.
- And an Agreed £1 Nominal Order under the Drug-Trafficking Legislation.

That is the Order of the Court. Go down with the Officers.

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

**1<sup>st</sup> September 2022**