

Being knowingly concerned in the fraudulent evasion of the prohibition on importation of a Class B controlled drug, in contravention of the prohibition on importation imposed by section 2(1)(a) of the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974

[2022]GRC095

**ROYAL COURT  
FULL COURT**

**7<sup>th</sup> October 2022**

**Before: John Russell Finch, Esq., O.B.E., Lieutenant Bailiff and Jurats:  
Stephen Murray Jones OBE, Terry John Ferbrache,  
Steven John Morris, Joanne Marie Wyatt, David John Robilliard, Stuart Michael Crisp,  
Marilyn Jasmine King, Simon Ernest Bodkin.**

**THE LAW OFFICERS OF THE CROWN**

**- v -**

**ARMANDS MAZURS**

**Advocate M Davies appeared for the Crown  
Advocate P Lockwood appeared for the Defendant**

**LIEUTENANT BAILIFF:**

**Background**

You appear here today for sentence for one offence of unlawfully importing the Class B controlled drug cannabis resin; the maximum penalty is 21 years' imprisonment.

You are a Latvian National now aged 30. We are prepared to treat you as of previous good character, as you have only traffic matters on your record. You were apprehended on 3<sup>rd</sup> June 2022 and have been on conditional bail throughout. An early guilty plea was indicated. The matter was properly sent to the Royal Court by the Magistrate's Court.

We have heard the circumstances of the offence. The dog detected a positive indication for cannabis when you, your sister and two nieces arrived at the Harbour from Poole. You indicated your use of cannabis, and became rather agitated, and then a package was found hidden under the inner sole of your left trainer. The photograph is before us, (at page 8 of the bundle). On being asked if you had anything more on you, after a similar package was found in your right trainer; a further package was found which you produced from being taped to your groin area. The total weight was 290.2 grams and you stated you bought the drugs in Liverpool for £1,000. You also stated that they were for personal use to deal with anger and depression, due to your personal problems. You freely provided your PIN numbers and nothing of relevance was found. The value of this amount, which is not insignificant in Guernsey, was at the time, £14,510 to £20,314.

**Sentencing Considerations**

We are bound by guidelines from the Court of Appeal, which they have recently re-affirmed.

Our task is to select a starting-point within the band of sentences for the amount of drugs imported, taking into account the individual facts of the case. Once this has been done the Court considers appropriate mitigation before arriving at a sentence, based on all the circumstances that appear relevant.

The starting-point here is 3 to 6 years for the amount up to 2kgs. This amount is towards the bottom of the scale, but still significant in terms of quantity as well as value. Noting the amount and the concealment, plus your initial denials, we start at 3 years 6 months. That is our starting point.

### **Mitigation**

We have carefully noted the letters, what was said on your behalf by your capable Advocate and the Probation Report. We note the domestic problems you have got. You insisted that this amount was for personal use, but this does not, the Court of Appeal has said, help you a great deal. You were adding noticeably to the available stock of the controlled drug in Guernsey, it was hardly 2 to 3 days' supply of course. You accept your responsibility, admit your stupidity and, unlike many offenders, do not offer lame excuses. We note, you fall into a population which presents a low risk of re-offending.

Also in your favour, and significantly so, is your lack of previous relevant convictions and, that as mentioned, you immediately yielded-up your PIN numbers, unlike so many offenders who have something to hide. This is a significant point in your favour. We consider a discount of well over one-third is applicable. There was no alternative to a 'guilty' plea, but some credit must still be given.

### **Sentence**

You took a serious risk and got caught; other people were with you. The amount was not inconsiderable. You accept, in your own words, you were "ignorant, stupid and wrong". We take all of the circumstances into account and, with a rather enhanced discount, the sentence today is 21 months' imprisonment. A suspended sentence is not appropriate in the circumstances and inconsistent with the Court's practice. This shows a discount of 50% that is intended to reflect the applicable mitigation in this particular case. No application for deportation has been made.

Forfeiture and Destruction Orders as requested.

Compulsory Supervision for one-quarter of the total sentence after release.

It is agreed and accepted in relation to the Drug Trafficking legislation, that you have benefitted to the tune of £17,412 and the amount that is realisable is £1 and by agreement, the Confiscation Order is made in the sum of £1.

That is the Order of the Court:

- 50% discount
- 21 months' imprisonment from today.
- Forfeiture and Destruction Orders.

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

**7<sup>th</sup> October 2022**