

Knowingly concerned in the fraudulent evasion of the prohibition on the importation of goods, contrary to the Customs and Excise General Provisions (Bailiwick of Guernsey) Law 1972, by the importation of a Class B drug, Cannabis resin.

[2022]GRC100

**ROYAL COURT
FULL COURT**

8th November 2022

**Before: John Russell Finch, Esq., O.B.E., Lieutenant Bailiff and Jurats:
Terry John Ferbrache, David James Mortimer, Joanne Marie Wyatt, David John Robilliard,
Stuart Michael Crisp, Tina Jane Le Poidevin, Heather Reed, Simon Ernest Bodkin,
James Robert Toynton.**

THE LAW OFFICERS OF THE CROWN

- v -

CHRISTOPHER JOHN KING

**Advocate F. M. Russell appeared for the Crown
Advocate L. C. Roffey appeared for the Defendant**

LIEUTENANT BAILIFF:

Background

You appear here today for sentence on one count of the unlawful importation of the Class B controlled drug cannabis resin. The maximum sentence is 21 years.

The amount was 9.73 kilos, Guernsey street value at the time is estimated at £389,000 to £486,000.

You are a 72-year-old local man with a relevant previous conviction in this Court on 27th September, 2011 for a like offence, involving 3.2 kilos of cannabis resin via a private boat, street value then £81,750 to £98,100. You received 4 years' imprisonment.

The case first came to Court on the 30th May 2022 and you have been in custody since your arrest the previous day.

You were caught in the act near Bordeaux manoeuvring into Les Petils Bay in the vessel "Pacemaker". You removed a rucksack, got into a dingy and rode with it to the shore, whereupon on landing you were arrested and immediately, as they say, put your hands up. There are photographs of all of this in the Bundle, as well as of the drugs. When interviewed you exercised your right to make no comment. The drugs were in 17 separately wrapped packages. The vessel has already been forfeited under the powers of the Guernsey Customs.

Sentencing Considerations

Knowingly concerned in the fraudulent evasion of the prohibition on the importation of goods, contrary to the Customs and Excise General Provisions (Bailiwick of Guernsey) Law 1972, by the importation of a Class B drug, Cannabis resin.

The starting point for Class B drugs in the quantity 5 to 10 kilos is 7 to 10 years. These starting points have recently been re-affirmed by the Guernsey Court of Appeal and are binding on us. We need to reflect all the circumstances of the offence and select the appropriate starting point.

The similar, indeed almost identical, offence in 2011 is a considerable aggravating factor. The amount here, is very near the top. We got to the end point of the scale, aggravating it on your record: we made the starting point 11 years. We note you do not appear to be a user.

Mitigation

A plea of not guilty would have been difficult to maintain when you were caught and photographed actually perpetrating the offence.

We note the submissions of your capable and experienced Advocate and the references. The explanations for the offence given in the Probation report we have also carefully considered. There are no very serious health issues, despite your age, and you were plainly physically capable of small boat work. You also provided your PIN numbers and nothing significant was found.

As stated, we also note the references to your credit, but we also observe that one of them refers to your 2011 case as a huge “wake-up call” to you. It was obviously not loud enough, when you re-offend even more seriously.

All in all, on what has been put forward on your behalf, both orally and in writing, we afford a discount, if anything erring on the side of generosity, of over $\frac{1}{3}$; all relevant matters have been taken into consideration.

Sentence

This was a high risk enterprise and you were caught, fair and square. Whatever the exact circumstances, and we note you are not a drug user, it would have resulted in personal gain. For this small jurisdiction this was a very considerable importation of controlled drugs that could easily have flooded the market for a period. You knew the risks, and taking all this into account **we sentence you to 7 years' imprisonment with effect from the 29th May, 2022.**

- Compulsory supervision for $\frac{1}{4}$ of the sentence upon release.
- Forfeiture and Destruction Orders, as requested.
- Drug Trafficking timetable, as agreed.
- Section 12 Order made by agreement.

We would also add, in view of all the circumstances, that the Court considers this was good work by the Guernsey Customs.

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

8th November 2022