

Unlawful importation of the Class A Controlled drug Cocaine and failing to disclose information when required to do so.

[2023]GRC002

**ROYAL COURT
FULL COURT**

24th January 2023

**Before: John Russell Finch, Esq., OBE., Lieutenant Bailiff and Jurats:
Stephen Murray Jones OBE, Steven John Morris, Joanne Marie Wyatt, David John Robilliard,
Stuart Michael Crisp, Marilyn Jasmine King, Paul Martin Burnard,
Felicity Jane Quevâtre-Malcic, James Robert Toynton.**

THE LAW OFFICERS OF THE CROWN

- v -

LEE ROYLE

Advocate J D McVeigh appeared for the Crown

Advocate S E Steel appeared for the Defendant

LIEUTENANT BAILIFF:

Background

You appear here today for sentence on an Indictment comprising 2 Counts: unlawful importation of the Class A Controlled drug Cocaine – maximum penalty life; and failing to disclose information when required to, a RIPL offence – maximum penalty a 2 years' imprisonment.

You are 37, a resident of Salford. You have a long and serious list of criminal convictions; none drug-related, including 8 years plus a 3-year Extended Sentence for robbery and 3½ years concurrent for Section 20 GBH in 2016. Very helpfully, some of the facts are detailed in the Probation report. You have served earlier custodial sentences in England for theft; robbery in 2011 and 2008, and another Section 20 GBH in 2008 and have other matters recorded against you.

You were apprehended at the Airport on the 16th September last year and charged on the 18th September. You have been in custody throughout and early guilty pleas were indicated. You were caught at the Airport and used there and later a variety of aggressive and offensive words and behaviour. You were suspected of internal concealment, declined an X-Ray and eventually produced two internally concealed packages of Cocaine. You had to be kept in hospital under observation and to be fair, later apologised to Officers for your bad behaviour. The Officers had found a package at the Airport during a strip search. All in all there were four packages of the Class A Controlled Drug Cocaine, total weight we are told, 122.88 grams. You failed to comply with a RIPL notice relating to your phone and chose to exercise your right to silence in interview. The street value of the Cocaine in Guernsey was, at the time, £12,288 to £18,432.

Sentencing Considerations

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Your Advocate will have told you that drug-trafficking cases in Guernsey are subject to binding guidance from our Court of Appeal. Guidelines, which have been recently reaffirmed, it should be noted, by that Court. The starting point for the amount 100 – 250 grams of Class A in powder form is 10 -13 years. We have a duty to select the appropriate starting point, looking at all the facts, before proceeding to consider effective mitigation and the final sentence.

We consider the internal concealment, which is unpleasant to deal with, as well as the need for hospital resources to be used are aggravating factors. So is your record, which shows serious criminality over a number of years. We also note the quantity, an important factor.

Taking all these points into consideration, our starting point is 12 years in respect of the first count; plus 1-year consecutive on the RIPL matter, a total starting point of 13 years' before we get to mitigation.

Mitigation

You mentioned that you owed a drug debt to some nasty individuals in England. That is also the excuse for not divulging your phone details. That is a story which your Advocate may have told you is familiar to us from a number of previous cases involving drug importations from the United Kingdom. You told the Probation officer you did not care at that time about the impact of your offending on others. Of course - we do. This is an offence with many potential victims. You have a history of drugs misuse linked with Cocaine, which has led to damage, we are told, to your nose and your teeth.

We are told your robbery was apparently related to the repayment of drug debts. The facts of your 2016 offences of robbery and Section 20 wounding are very unpleasant and concerning. You are, on these facts, a violent man. Your actions in Guernsey were committed whilst subject to a 3-year Extended Sentence. You are MAPPAs registered in England and assessed as being in part of the population posing a very high risk of re-offending.

We have carefully listened to what your Advocate has said on your behalf and read the letters. It is not our job to cast around for mitigation, when we cannot in reality find a great deal, apart from your inevitable guilty pleas, on these facts. We pay attention to the totality principle in sentencing.

The total figures as a starting point are 12 + 1 year, i.e., 13 years. It is rather stretching things to give much of a discount, though we are encouraged to do so. In total, in all the circumstances to the case we afford a discount of ¼, which errs on the side of generosity and the seriousness of these offences outweigh any considerations on family life.

Sentence

We need not add much to the facts we have set out. Guernsey does not need drug importations of the most serious category, especially in such amounts. You have, on what we've heard, largely wasted your life and your actions could well have caused misery in Guernsey, where plenty of crime is drug-related - with drug-users, as in England, stealing etc to pay for their habit.

Count 1, taking account of the discount we are giving the sentence is 9 years' imprisonment.

Count 2 - 9 months imprisonment consecutive.

Total: 9 years and 9 months, with effect from the 16th September 2022, with confiscation and forfeiture, as requested.

No question of supervision, as you will not remain within the jurisdiction.

That is the Order of the Court, will you kindly go down with the Officer.

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J R Finch, OBE.
Lieutenant Bailiff

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