

Unlawful importation of the Class A controlled drug Cocaine, in powder form and the unlawful importation of the Class B controlled drug, herbal cannabis.

[2024]GRC074

**ROYAL COURT
FULL COURT**

25th October 2024

**Before: John Russell Finch, Esq., O.B.E., Lieutenant Bailiff and Jurats:
Steven John Morris, David John Robilliard MBE, Stuart Michael Crisp,
Marilyn Jasmine King, Simon Ernest Bodkin, James Robert Toynton
and Richard Jeremy Wallen James**

THE LAW OFFICERS OF THE CROWN

- v -

MOHAMMED RASHEL AHMED

Advocate P F Cobb appeared for the Crown

Advocate S E Steel appeared for the Defendant

LIEUTENANT BAILIFF:

Background

You appear here today for sentence on an Indictment containing 2 Counts: Count 1, the unlawful importation of the Class A controlled drug Cocaine in powder form: Count 2, the unlawful importation of herbal cannabis. The maximum penalties are life and 21 years', respectively.

You are a Bangladeshi national aged 41, who at the relevant times was living between Guernsey and the UK. You have no previous convictions, but three cautions in 2002, 2006 and 2007 for various matters. For the avoidance of doubt, we are prepared to treat you as of previously good character.

You were arrested and charged on 27 March, 2024 and have been in custody since that date. Guilty pleas were entered at a Plea and Directions hearing on 16 May, 2024.

The facts of the case have been explained in helpful detail and we do not propose to repeat all the details. What is clear is that you were stopped at the Airport on the day in question and evidence of both Cocaine and Cannabis found. When you were searched a plastic item was located protruding from your rectum. You lied about that. When taken to the Princess Elizabeth Hospital you tried to move your hands over the blanket provided. To cut a rather long and sordid story short, a package was eventually found in the middle of your bed with faecal matter on it. This was found to contain 62.02 grams of Cocaine and 6.31 grams of Cannabis. In interview, you maintained persistent denials of anything on you. These lies were carried on when further questioned. You even denied the package had been seen protruding from your rectum. At the time, the local street value for the Cocaine was £6,202 to £9,303, and the much smaller amount of Cannabis £252.40 to £315.50.

Sentencing Considerations

Your experienced Advocate will have explained to you that we are bound by guidelines in drug trafficking cases by a decision of the Guernsey Court of Appeal.

In relation to the amount of 50 to 100 grams of Class A powder, which is what we have here, Count 1, the starting-point on the band is 9 to 12 years.

We have selected a starting-point based on the particular circumstances of the case and then go to consider appropriate mitigation. We note your continued lying and denials to the Officers, and also, they had the most unpleasant task of retrieving the package that you had put in your rectum, which showed the presence of faeces. Both these points, in our view, go to enhancing increasing the starting-point, plus the fact that the amount of Cocaine was rather above the starting amount in this sentencing band. We start on the particular facts of this case at 11 years. Each case, must of course, be looked at on its own individual facts. We are not impressed with the unpleasant mode of concealment, plus the difficulties you placed in the way of the Officers conducting the investigation. The starting-point is a combined one, taking account of both offences, Counts 1 and 2.

Mitigation

Your previous, in essence, good character with no previous convictions and your mental health problems are in your favour. We note the guilty pleas but, on the facts, despite all your lies, there was no viable alternative, nevertheless, we are required to give some credit for the pleas. We consider that a discount of $\frac{1}{3}$ is applicable, stressing that a reduction for your pleas is reduced in all the circumstances.

Sentence

This was in importation involving a considerable amount of a Class A drug and a Class B drug. We are only too aware of the misery caused by the misuse of such substances and the effects of such misuse on society. We repeat, that your habitual lying, despite the clearest of evidence, is wholly unimpressive.

We sentence concurrently on Count 2 being the less serious offence in nature and amount. The sentence reflects your total criminality in this case.

On Count 1 – the sentence of the Court is 7 years 4 months' imprisonment.

On Count 2 – 18 months' concurrent.

Total – **7 years and 4 months' imprisonment** with effect from 27 March, 2024.

Drug Forfeiture and Destruction Orders, as requested.

Deportation

We are empowered to make a recommendation to His Excellency the Lieutenant-Governor about your deportation from Guernsey. It is his decision to make. We are required to conduct a balancing exercise, taking account of any family connections with Guernsey and the gravity of the offending. It is in the public interest which has to be considered where, as here, there is serious criminal conduct.

The case was adjourned in order to clarify your position. An Order made here does not automatically extend to the United Kingdom where you have significant familial ties. You have no such ties here and only some history of coming to Guernsey.

This serious set of offences makes your presence in Guernsey undesirable. Balancing the facts comes down firmly in favour on making a recommendation as far as this jurisdiction is concerned, and we do so. The position in the United Kingdom will be determined there in due course by their authorities.

That is the Order of the Court.

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

25th October 2024