

Four counts of unlawfully importing Class C controlled drugs.

[2024]GRC063

**ROYAL COURT
FULL COURT**

18th September 2024

**Before: John Russell Finch, Esq., O.B.E., Lieutenant Bailiff and Jurats:
Jonathan Grenfell Hooley, Steven John Morris, Stuart Michael Crisp,
Felicity Jane Quevâtre, Heather Reed,
Jillian Clark and Ian Michael Brown.**

THE LAW OFFICERS OF THE CROWN

- v -

KYLE LUKE GATTER

**Advocate S G Watson 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 four counts of unlawfully importing Class C controlled drugs. The maximum sentence on each is 14 years' imprisonment.

You are a 34 year old person from Wales, living and working here for about six weeks as a labourer, on this occasion.

You have previous convictions in the UK, for possession of drugs with intent to supply at Cardiff Crown Court in December 2011 when you received suspended sentences, unpaid work requirements and a drug treatment requirement. On 20 November, 2014 the same court for criminal damage you got a Community Order for 150 hours and a Thinking Skills requirement. You appeared back at that court for failing to comply with requirements of the Order on 2 June, 2015 and got extra hours. Also, you have a drink-driving conviction on 11 December, 2014 and a similar type of offence on 23 May, 2020.

We have heard the case history. Guilty pleas were entered at a Plea and Directions hearing on 18 July of this year. You have been bailed with a condition not to leave or attempt to leave the Bailiwick of Guernsey. On 6 July, 2024 you were apprehended in a departure area of Condor prior to departing to Poole. You had packed up to go. Since then you have been in custody. We have also heard a full account of the four counts you face today.

- Count 1, on 3 April 2024 you arrived by ferry; there were 2 x 10ml liquids in bottles with steroids. Another bottle had drug traces but it is not the subject of a charge.
- Counts 2-4, postal importation, a special delivery package addressed to 'J Ash' from Swansea.

To cut a long story, which we have heard, rather short, the missed delivery form was left at the address twice and an on-line delivery request was made. The identity of 'J Ash' was kept up. A colleague of yours was given permission to collect this intercepted package, went to the postal headquarters and was arrested, then interviewed and bailed. No further action was taken against him.

On 10 April 2024, some six days later, you rang the Guernsey Border Agency and later attended Police headquarters where you were arrested.

You were interviewed for the first time on 3 April and made admissions. You were again interviewed on 10 April. Again you made admissions, also putting your work colleague out of the picture. You are a body-builder and "*wanted a little bit of help*" for a future competitions. You were, you said, a "*big heavy user*" of Ketamine when home and daily where it is, you said, "*rife*". You were not, you said, a big Steroid user. A number of syringes (unwrapped and sealed) were found in your bedroom, and you explained that they were there for the administration of tanning solution: 6 syringes in an envelope and 3 syringes, 1 wrapper and 11 injection swabs.

We have the following quantities of drugs to deal with today:

- Count 1 – as previously stated;
- Counts 2, 3 and 4 – everything are steroids:

Count 2 – 60 tablets at 50 mg

Count 3 – 4 bottles/vials, each with 10 mls; and

Count 4 – 1 bottle/vial with 10 mls.

Sentencing Considerations

Class C drugs have become considerably more common in recent years. We would normally consider starting at about one-half of the sentencing bands, the Court of Appeal have set out for Class A drugs, but the facts of the cases vary widely. Other facts specific decisions rarely assist and we certainly do not apply mathematical formulae. We look at the totality of the drugs involved and the particular facts of the case.

We have here two separate groups of offences. Also on Counts 2 – 4, the misuse of the postal system, which is an aggravating factor and, here, the fact your work-mate ended up in custody, interviewed and bailed. I stress, there is nothing against him, he was not charged and he is not before any court. You also, as I have stated, have a poor record. Finally you broke your bail by trying to leave Guernsey.

We select a combined starting-point reflecting all four Counts of 9 months' imprisonment. We now have to look at and apply appropriate mitigation.

Mitigation

We take on board what your experienced Advocate has told us, noted the written items and the Probation Report.

There is little credit for your inevitable guilty plea on Count 1, but we afford you credit for your plea on Counts 2-4, where we could have ended up with a potentially time-wasting trial. We note your good work record.

As stated, we don't work this out as if we are doing some sort of sum, but we apply one-third credit for your guilty pleas. Your personal mitigation is also noted but is not here, particularly significant.

We sentence concurrently, so there is one total, seeking to represent the totality of your offending. Non-custodial disposals are not appropriate in view of the aggravating factors.

Sentence

On each Count the sentence is 6 months' imprisonment, concurrent – **total 6 months** with effect from 6th July 2024 and there are Confiscation, Destruction and Forfeiture Orders as requested.

So, the total sentence is: 6 months' imprisonment in total on each Count, all concurrent with effect from 6th July 2024 when you were first remanded.

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

18th September 2024