

[2024]GRC039

**ROYAL COURT
FULL COURT**

13th May 2024

**Before: Catherine Maureen Fooks, Judge of the Royal Court
and Jurats: Steven John Morris, David John Robilliard,
Stuart Michael Crisp, Marilyn Jasmine King,
Simon Ernest Bodkin, James Robert Toynton and Richard Jeremy Wallen James**

THE LAW OFFICERS OF THE CROWN

- v -

JAMIE SARGENT

Advocate J D McVeigh appeared for the Crown

Advocate A B Davies appeared for the Defendant

JUDGE OF THE ROYAL COURT:

Background

Mr Sargent you have pleaded guilty to two counts of being knowingly concerned in the fraudulent evasion of the prohibition on importation of goods, contrary to section 77(1)(b) and 77(2) of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law 1972, as amended, by your importation, on 31st January, 2024, of a Class A drug, namely Cocaine (Count 1) and another Class A drug, namely Diamorphine, known as Heroin, (Count 2) in contravention of the prohibition on importation imposed by section 2(1)(a) of the Misuse of Drugs (Bailiwick of Guernsey) Law 1974, as amended. The maximum penalty is life imprisonment.

The facts are that on the 31st January, 2024 you were stopped at Guernsey Airport on arrival from Manchester. Despite giving a false account of the purpose of your visit and your denial that you had any drugs, the drugs dog showed interest and it was quite obvious that you were internally concealing drugs, so you were taken to the Princess Elizabeth Hospital. There was also evidence that you had been using Cocaine. After nearly four hours you admitted that you had four packages of “*coke*”, which you said was “*stupid....just to get my son’s car fixed*”. You subsequently passed an 8 inch package and were kept under observation.

On analysis, there were six individually wrapped items, five containing Cocaine and totalling 114.32 grams and valued at between £11,342 and £17,148 (purity 83 – 90%) and a further package containing 40.02 grams of Diamorphine and 6-MAM (Heroin) cut with other substances valued at between £12,006

and £24,012. The concentration of the Heroin was 10.1% to 11.2%. At interview you exercised your right to silence.

You are an Englishman of 48 years of age. You were in Guernsey only to deliver the drugs. You left school without qualifications but have worked, including in the family café business. You live with your partner and adult child and you have two older children.

You have a long list of previous convictions starting when you were a teenager, many of which are for dishonesty and vehicle related offending, as well as breaching various court orders which you have explained relate to your drug addiction and trauma arising from a serious accident. You have only one conviction in 2004 for drugs related offences, namely possession of Class C. We note the effective gap in the records since 2016.

You have been in custody since 31st January, 2024.

Sentencing Considerations

The sentencing guidelines applicable to offences involving the importation of drugs are contained in the case of Richards which guidelines were recently considered and affirmed by the Guernsey Court of Appeal in Barras, Watt and Orchard v Law Officers 2021, GCA045. The Court will continue to follow those guidelines.

Your role is one of courier. There is no evidence of any wider involvement. The total quantity of drugs in your case (and it is quantity on which we have focused) is 154 grams, split into the two types of Class A drugs. In respect of Count 1, Richards gives a band of 10 to 13 years for 100 to 250 grams of Class A drugs. The starting point for amounts in relation to Count 2, were it viewed separately, would be 8 to 10 years. We have not been asked to consider purity.

We set the initial starting point for Count 1 based on the quantity in that importation at 10 years before applying any aggravating or mitigating factors. We then aggravate that starting point to take account the second count, for which there will be a concurrent sentence. We also aggravate it to take into account internal concealment. Internal concealment is a serious aggravating factor. It leads to deeply unpleasant work for those involved and is a drain on Customs resources and particularly on hospital resources, which would be better used to treat the genuinely ill.

We take account of the aggravating fact in Count 1 that there were two different types of Class A drugs imported, although we note your assertion that you say that you were unaware of the Heroin. The revised starting point, therefore, before consideration of plea and personal mitigation is 12 years.

Mitigation

Plea

The Court must first consider the impact of your guilty pleas on sentence. In your case, you are not entitled to full credit as you had no alternative and we therefore give you credit of 25%.

The Court has considered carefully the helpful Social Enquiry Report prepared in respect of you and also the focussed and sensible submissions of your Advocate. We have read the references provided today and taken them fully into account. We accept your explanation that you committed the offence in order to repay a debt to a “loan shark” and that you were threatened physically so took the option of importing the drugs, without giving thought to the risk to yourself and likely consequences, to spare your family the ordeal of you being harmed and that all of this occurred in the wake of the tragic loss of your father and at a time of difficulty for you. You are said to have been shocked that the package contained Heroin, as you know from your own addiction how harmful this drug is. The writer of the

Social Enquiry Report says that it is imperative that you continue to receive support with your abstinence from drug use and we echo that.

We have taken into account the traumatic events which you have suffered during your life and your own struggles. You have demonstrated some remorse. You are a person with a long criminal record and there is therefore no mitigation available to you on the grounds of good character. We note your cooperation with the investigation, particularly in terms of the phone.

You are assessed as having a high likelihood of re-offending which we must take into account. We note that there is a request for a drug-trafficking order in respect of you in a nominal sum. We note also that you are likely to be transferred to an English prison to serve your sentence, after which you may be supervised by the Probation Service in England.

Sentence

You have sensibly accepted that an immediate custodial sentence is inevitable. Nothing else will meet the Richards guidelines and meet the sentencing aims of punishment, deterrence and protection of the public. In sentencing you we have taken into account the totality principle. We will also take into account the time served on remand.

Mr Sargent, you have deliberately brought into this island a significant quantity of the most dangerous and addictive drugs which, had they not been intercepted, would have caused harm to a large number of islanders. You did so to get yourself out of a hole and without any thought for the consequences and you must therefore go to prison for a long time.

Taking into account all that has been said and applying the appropriate discounts the sentence will be as follows:

- In relation to **Count 1** – immediate custody of 7 years and 9 months with effect from the 31st January, 2024.
- In respect of **Count 2** – immediate custody of 6 years and 6 months, concurrent.
- The total sentence is one of **7 years and 9 months** to run from 31st January, 2024.

In accordance with section 1 of the Criminal Justice (Supervision of Offenders) (Bailiwick of Guernsey) Law, 2004, upon release (or completion of any parole period if applicable) you will be subject to supervision by the Probation Service for a period equal to one quarter of the total sentence or the period you would have served had you not received remission, whichever is the shorter. If you fail to comply with the conditions of the supervision, you will be liable to further imprisonment, a fine, or both.

The Crown's application pursuant to section 26 of the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974 as amended, which is not opposed, for the forfeiture and destruction of the drugs which were lawfully seized and clearly relate to the offences is also granted.

In summary, therefore, the sentence is as follows:

- 7 years 9 months' immediate custody effective from 31st January, 2024.
- Forfeiture and Destruction of the drugs.

Catherine Maureen Fooks
Judge of the Royal Court

13th May 2024