

[2024]GRC022

**ROYAL COURT
FULL COURT**

9th April 2024

**Before: John Russell Finch, Esq., O.B.E., Lieutenant Bailiff
and Jurats: Jonathan Grenfell Hooley, Steven John Morris,
Joanne Marie Wyatt, Stuart Michael Crisp, Paul Martin Burnard,
Felicity Jane Quevâtre and Heather Reed,**

THE LAW OFFICERS OF THE CROWN

- v -

MATEUSZ GLAZ

Advocate J.D. McVeigh appeared for the Crown

Advocate C. Green appeared for the Defendant

LIEUTENANT BAILIFF:

Background

On behalf of the Royal Court, I will preface these remarks by stating that this case is a prime example of how stupid, not just normally stupid but monumentally stupid, someone can be.

You appear here for sentence on 9 Counts of Class C drug offences. Counts 1 – 5 unlawfully importing them and Counts 6 – 9 being in possession of them. For the importation the maximum sentence on each count is 14 years' imprisonment. For the possession it is 4 years' imprisonment. The facts go to show that we are right to have begun our remarks referring to your gross stupidity. In particular, you have been treated with moderation and fairness by the Guernsey Border Agency but still went ahead with offending despite their warnings.

You are a 34 year old Polish national, who has lived here since 2017. Living with your partner and your mother has been here since 2013. Since 2019 you have been employed as a support worker for the States of Guernsey Autism Hub. We treat you as of effective good character. The offences, it should be made clear from the start, involve the importation of Class C purported performance enhancing drugs for use in body building. The law forbids their importation and possession because they do not a person's health any good. There were a large number of drugs and it was accepted that they were for your own personal use. The drugs have been described. There was, as you say, a considerable quantity and you said you paid around £2,000 for them, which is a low value when considering this amount.

You were charged on 27 October last year and have been on bail throughout. Early guilty pleas were indicated. On 30 June, Class C drug sent to you were seized by the GBA, that was 2022 and then another package was intercepted on 9 July afterwards a clear warning was issued to you by the GBA. On 20 August, 2022 another substantial package addressed to A. Sharp but intended for you, was seized. You got another Notice of seizure and a visit, where Officers strongly advised you about this Law breaking. This matter is charged as Counts 1 and 2, due to the further importation because on 31 July, 2023 a package from Poland addressed to a person with the same surname as your mother was intercepted. It purportedly contained toys. You made efforts to collect this package and were apprehended. Your home was searched and the items listed in Count 6, 7, 8 and 9 were found. Your mobile phone revealed evidence of your use of Class C drugs for body-building. The substances contain testosterone to impact on your body shape. You told the Probation Officer that you had started to notice negative health issues, including with your liver. That is why these things are illegal and they are not made illegal by the States for fun. It is a mystery to envisage why you persisted with this offence despite the clear warnings which were made, even with false names shown on packages.

Sentencing Considerations

In recent years there has been a considerable increase in the misuse of Class C drugs, plus the emergence of numerous new compounds. We have to carefully look at the circumstances of each case and generally, where appropriate, approach the sentencing exercise by taking one half of the starting-point for Class A drugs. This case is particularly unusual due to the large amounts obtained. It is an aggravating factor that despite the very reasonable approach of the authorities you still went ahead and re-offended.

We start at a combined total of 2 years' imprisonment.

Mitigation

As mentioned we treat you as of previous good character and you entered early guilty pleas. A number of references and documents have been put in on your behalf. It is enough to say that you are a very well regarded support worker for persons with Autism. You are highly thought of by your employers. This mitigation allows us to reduce the starting-point figure and emerge as a starting-point total in the region of 18 months' imprisonment.

We have also been helped by a thorough and well-reasoned Probation Report. We take onboard all your Advocate has told us.

Sentence

You would have little cause for complaint if today you went down those stairs behind that door with the Officer for around 18 months and the Court recommended deportation. You have broken the law despite the clearest of guidance from the authorities. You are not, however, a dealer and access to your phone was given. On balance, the Royal Court can just about agree with the suggestion in the Probation Report. Your work ethic has largely made a difference here, as has your good reputation. We stress that these types of offences vary in their facts and suppliers will normally go to prison.

On Counts 1 to 5 – the sentence on each count is **240 hours of unpaid Community Service** in the next 12 months, as a direct alternative to 18 months imprisonment. That's Counts 1 to 5 all those sentences concurrent. I'll come to Community Service again just in a moment.

On Counts 6 to 9 - the sentence is **6 months' imprisonment suspended for 2 years**. If you re-offend in the next 2 years that sentence will be reactivated. Also if you re-offend or fail to complete every minute of your Community Service Order then that Community Service Order will be revoked and you

will be looking at the 18 months' imprisonment alternative. So be in no doubt at all, you have to keep your nose totally clean. Do all the hours and do not re-offend.

This mitigation we have heard so ably put today will only work once. Re-offend and it is likely to be it. No more warnings.

Please sit down whilst we consider the question of deportation.

We have carefully considered this. Work wise you are an asset to Guernsey. You have local connections, including length of residence. We are bound to consider Article 8 of the European Convention on Human Rights i.e. the right to family life. We do not propose to make a recommendation in this case. If you foul up again, your right to family life will be outweighed and it will be less important than your re-offending. So for a moment, speaking personally, you would be advised to purchase a one-way ticket to Poland if that takes place and you do something else wrong, but today there is not a recommendation. This will not, we emphasis, if you do anything badly wrong again.

We note the Immigration Officer's report for which we are grateful and the Odette judgment of the Guernsey Court of Appeal.

There will Forfeiture and Destruction Orders, as requested.

On behalf of the Court, I repeat, the things we have taken in your favour today cannot be reused, bear that in mind. It is difficult to understand how a person with your skills as a carer should have acted like this.

That is the Order of the Court. In summary:

- **240 hours` Community Service**, every hour to be done in the next year. If you don't do or do something wrong 18 months' and down those steps.
- **6 months` imprisonment , consecutive** to that, suspended for 2 years on the other offences. So if you re-offend that is what you are going to get.

That is the Order of the Court. You are walking today. Don't come back, particularly if I'm here; understand that.

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

9th April 2024