

Unlawful importation of the Class A controlled drug, cocaine, and failing to disclose the PIN to a mobile phone.

[2024]GRC021

**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 -

JACK DAVID WHITE

Advocate J. D. McVeigh appeared for the Crown

Advocate J. B. Green appeared for the Defendant

LIEUTENANT BAILIFF:

Background

You appear today for sentence on an Indictment containing two counts: the unlawful importation of the Class A controlled drug, cocaine, and failing to disclose the PIN to your mobile phone, a so-called 'RIPL' offence. The maximum penalties are life and 5 years respectively.

You are a 35 year old native of Belfast, residing in Guernsey and working as a builder. You have offended since 2012, getting 15 months for wounding on 21 February, 2013 with common assault, and also theft, violent words or behaviour, conveying contraband into the States Prison and possession of a controlled drug.

You were charged on 23 October, 2023 and have been in custody since then. Timely guilty pleas were entered.

You were caught flying in from Manchester on 20 October, 2023, nervous and visibly shaking. You denied internally concealing controlled drugs and invited a scan. You refused to give your mobile's PIN number. At the hospital you admitted having 2 x 30 grams of cocaine internally concealed. They were later passed, stuffed not swallowed. You claim this was for personal use and thereafter exercised your right to silence. The total was 63.70 grams of cocaine, Guernsey street value, we are told, value £6,370 to £9,555. You failed to comply with the Notice requiring the disclosure of the PIN number.

Sentencing Considerations

We are bound by Court of Appeal guidelines on drug sentencing cases of this type. The starting-point for the amount of Class A powder 50 to 100 grams is 9 to 12 years. We need to select first of all an appropriate starting-point on the facts of the case. Internal concealment is not pleasant for Law Enforcement to deal with and noting that, and the amount, we start at 11 years. It is also the fact that you do not have a previous good character.

For the RIPL offence we will sentence consecutively. The maximum, as stated, is 5 years and our starting-point is at 2 years.

Mitigation

You are entitled when we consider various cases before our Court of Appeal to some mitigation for your guilty pleas. As required, we apply an appropriate amount. We have listened to your experienced Advocate and read a very useful Probation Report.

An importation of such an amount cannot be treated as just for personal use. In any event, on the binding guidelines, that doesn't help you. As, to put it moderately, on the cases it was more than one to two days' supply - and for your assistance, Advocate Green, we refer to the case of Edwards, 2006 and the other cases leading up to that, when the Court of Appeal said that.

Next the frequently repeated excuse from offenders that you refused to supply the PIN number due to the phone containing intimate pictures. We take that into account and we also note you fall within a part of the population that provides a high likelihood of re-offending.

We give you a realistic discount. We bear the principle of totality in mind. It cannot be suggested you have appreciable personal mitigation but we have carefully read and considered your letter provided and the reference and given them appropriate weight.

Sentence

You have committed serious offences and have also run up a poor record whilst in Guernsey. It can hardly be said you are an asset to the community. This was a substantial attempted importation of a Class A drug with a large Guernsey street value.

- On the First Count the sentence is 8 years' imprisonment.
- On the Second Count, the RIPL offence, the sentence is 6 months' imprisonment, consecutive.
- The total sentence to take effect from your apprehension on 20 October, 2023 is therefore **8 years and 6 months' imprisonment.**

We stress, that in this case, the RIPL sentence is somewhat reduced and we also factor in what was said about what was found upon forced entry to the phone; and we must always pay regard to the principle of totality.

The sentence is intended to be in accordance with other cases and binding guidelines for Count One, as you know Class A drugs are an appalling and a serious threat to the way of life in Guernsey and need to be dealt with realistically and consistently. We are grateful that the GBA caught you before you entered the Island.

- **Forfeiture and Destruction Orders**, as requested. Plainly made out in relation to the phone on the facts, as we note the evidence of cocaine on your apprehension and,
- **Compulsory Supervision** on release for one quarter of the total sentence.

Total sentence is 8½ years, dated from when you were first run in on 20 October. We will backdate it that far.

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

9th April 2024