

[2024]GRC014

**ROYAL COURT
FULL COURT**

22nd February, 2024

**Before: John Russell Finch, Esq., OBE., Lieutenant Bailiff
and Jurats: Stephen Murray Jones OBE, Jonathan Grenfell Hooley,
Marilyn Jasmine King, Heather Reed, Simon Ernest Bodkin,
Jillian Clark and Richard Jeremy Wallen James**

THE LAW OFFICERS OF THE CROWN

- v -

CRAIG ALAN DODD

Crown 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 2 Counts: failure to comply with a Notice issued under the Regulation of Investigatory Powers Law, 2003, as amended (the RIPL offence); and failing to comply with the requirements specified in your Adult Custody Supervision Order, which had effect from 16 July, 2022, and was due to expire on 18 October, 2025. The maximum penalties are 5 years on Count 1, and 6 months on Count 2.

You are a 40 year old local man, with a long list of significant previous convictions, including burglary, arson and assault. The Adult Custody Supervision Order you breached followed a 13-year sentence for being knowingly involved in the unlawful importation of controlled drugs on 26 January, 2015. Another like offence also came to be sentenced in March, 2022 when you received 3 years and 9 months' imprisonment. You were let out on 20 July, 2022, we are told. In relation to the present matters you had a problem keeping bail conditions, but stayed out until Wednesday when a breach resulted in you being remanded in custody.

We have heard the full facts behind the present matters. Following your arrest, in what must be considered curious circumstances your iPhone was seized. The Bailiff, on 4 September, 2023, granted authority to require disclosure of your passcode. You failed to do so in the requisite time period and committing that offence breaches your Supervision Order.

Sentencing Considerations

The Prosecution have produced a relevant English case of Padella (2012). This involved a failure to provide a key to a computer that had been seized in an indecent images investigation. Mr Justice Collins' judgment contains matters, which in our opinion, are relevant today. In particular in paragraph 8:

“As we say, the assumption will inevitably be that there is a need to hide something because there is material which is clearly such as would produce a serious penalty.”

And also in paragraph 8:

“In that sort of situation the Court would be bound to assume the worst” (considering an analogy with a failure to provide a specimen in a drink driving offence).

We propose to select a combined total reflecting the totality of your offending, and pass concurrent sentences.

Aggravating factors undoubtedly, are your very bad record, and the failure to respond to post-release supervision in place after serious repeated offending. We note your unhelpful explanation to the Police in interview. You would, for example, we are told, not give authority for the Police to look at your bank account information.

We also note, that the maximum penalty for the RIPL offence has been increased from 2 to 5 years. We consider, taking all the circumstances fairly into account, and as in the English case just mentioned, we can assume the worst. You had something to hide, we are entitled to conclude, and this cannot be dealt with leniently.

We start at a combined figure of 30 months. It is repeated that we sentence on this Indictment only.

Mitigation

It is not for a Court to fish around for mitigation when, on the facts, there is not a convincing amount. We do accept there were timely guilty pleas. Your family circumstances are noted. We have carefully considered the Probation Report. You fall within a population of people that has a very high likelihood of re-offending. The Report also states you have taken a calculated risk, and alternatively, at a minimum, the Report also states you are very much enmeshed with others involved in crime and made an *“informed decision”* to place your loyalty there.

The impact of the sentence on your family is down to you re-offending. On the facts we apply a discount of 20%, there was no real alternative to admitting these offences, but we are still encouraged to apply discounts - to knock something off, even in the face of clear evidence and we do so.

Would you please stand for a moment.

Sentence

In respect of **Count 1** - the sentence is **2 years' imprisonment**; on **Count 2** – 4 months', concurrent.

- **Total – 2 years' imprisonment**, with effect from yesterday.
- **Forfeiture of the iPhone** under the Police Property legislation.
- **Compulsory Supervision** after release in respect of Count 1, for ¼ of the total sentence.

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

22nd February, 2024