

**ROYAL COURT
FULL COURT**

20th September, 2023

**Before: John Russell Finch, Esq., O.B.E., Lieutenant Bailiff and Jurats:
Stephen Murray Jones OBE, Claire Helen Le Pelley,
David John Robilliard, Marilyn Jasmine King, Tina Jane Le Poidevin, Paul Martin Burnard,
Heather Reed, Jillian Clark and Richard Jeremy Wallen James**

THE LAW OFFICERS OF THE CROWN

- v -

DANIEL SIMON BUXCEY

Advocate P F Cobb appeared for the Crown

Advocate L C Roffey appeared for the Defendant

LIEUTENANT BAILIFF:

Background

You appear here today for sentence on an Indictment containing one count, namely the unlawful importation of the Class B controlled drug cannabis. The maximum penalty is 21 years.

The amount in all came to 48.65 grams, Guernsey street value at the time: £1,946 to £2,432.50.

You are a UK resident who was doing some work here. You are of previously good character. You were arrested on 17.04.2023 and committed to this court on 28.06.2023 and a timely guilty plea was entered and you have been on bail throughout. The illegal drug was found in your car, when you arrived here from Poole. Originally only 14.04 grams was discovered under the rear passenger seat. You denied all knowledge on interview. Subsequently 27.74 grams and 6.87 grams were found concealed under the trim. We have seen the relevant photographs. You gave stories to the investigators and also to the Probation Officer, which she rather charitably described as “somewhat farfetched”. You, for instance, claimed you’d forgotten about the second amount, after a row with your wife, whom you said also uses cannabis. We, unfortunately, deal with a large number of drug importations on a pretty regular basis, so people should give the Court credit for this experience and a level of intelligence. We carefully take on board here your able Advocate’s plea.

Sentencing Considerations

Advocate Roffey is also experienced in all types of drug cases. He will have told you that for this type of offence we are bound by definitive guidelines set-down by the Guernsey Court of Appeal and

reiterated many times. We have to comply with the guidelines given by this higher court. For the quantity of cannabis up to 2 kg, the starting-point in sentencing is a band of 3-6 years. We need to carefully consider the individual circumstances of each case and fix a starting-point that we consider appropriate to those particular facts. Here, looking principally at the amount brought in, we start at the bottom of the band, ie, at 3 years.

Mitigation

You have pleaded guilty unequivocally and provided your pin and bank details and that deserves credit, which we fix at one-third. So we now start from 2 years. You are 41 and of previous good character, which is also in your favour and appreciably. We fix a further period for that, so our total discount on the amount of 3 years would be 50% in all.

We have carefully considered, as we have said, your Advocate's submissions and read the Probation Report. We note the references in your favour. We have considered your health problems here as well. You should have given more thought to your family.

Sentence

You are an abuser of cannabis, which, like many illegal drugs can become legal when properly medically prescribed, this would materially assist you in pain control.

Taking everything fairly into account, this was certainly not a small amount but plainly just for personal use, but a far from negligible importation, which would add to the stock of controlled drugs in this Island. In all the circumstances, we consider that a suspended sentence does, just about, meet the seriousness of this case, but we also emphasize, you are also getting a discount on the total for the reasons given.

Taking everything into account the sentence is 18 months' imprisonment, suspended for a period of 3 years, with Forfeiture and Destruction Orders as requested and we mention that this is an exceptional case considering the facts pertaining to it and, most entirely on those facts. You are an intelligent man Mr Buxcey and if you foul up in any way in Guernsey with any offence, particularly drugs, but any offence which carries imprisonment, you will get the 18 months likely added on to it, so don't do it. In other words, your card is very seriously marked now and this Court has a long memory and if you breach the suspended sentence, you will certainly be proceeding down the stairs behind the door in the dock.

So the Order of the Court is therefore:

- 18 months' imprisonment, suspended for 3 years;
- Destruction and Forfeiture Order

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

20th September, 2023