

Postal importations of Class B controlled drugs, namely resin cannabis.

[2023]GRC050

**ROYAL COURT  
FULL COURT**

**15<sup>th</sup> September 2023**

**Before: John Russell Finch, Esq., O.B.E., Lieutenant Bailiff  
and Jurats: Claire Helen Le Pelley, Jonathan Grenfell Hooley,  
Stuart Michael Crisp, Marilyn Jasmine King, Tina Jane Le Poidevin, Paul Martin Burnard,  
Felicity Jane Quevâtre, Heather Reed, Simon Ernest Bodkin, James Robert Toynton, Jillian  
Clark, Richard Jeremy Wallen James**

**THE LAW OFFICERS OF THE CROWN**

**- v -**

**JEFFREY CONWAY**

**Advocate F C Russell appeared for the Crown  
Advocate O C Fattorini appeared for the Defendant**

**LIEUTENANT BAILIFF:**

**Background**

You appear here today on an Indictment containing 6 Counts involving separate postal importations of Class B controlled drugs, namely cannabis resin. The maximum penalty on each is 21 years' imprisonment.

You are a 24 year old Dubliner, of previous good character. Following arrest on 2<sup>nd</sup> January of this year and committal on 31<sup>st</sup> May, timely guilty pleas were entered. You have been on conditional bail throughout.

The total quantity imported comes to 132.05 grams, most of which was intercepted by good work from the G.B.A. Street value in Guernsey around £5,800 to £8,400.

There is a Herm connection in this case, you were employed there as a waiter from 1<sup>st</sup> April, 2021 to 21<sup>st</sup> May, 2022. The names of persons who had worked there but were no longer employed were made use of on two occasions i.e Counts 1 and 2. A fictitious name was used for the third parcel and Counts 4 and 5 would have gone with other names to another address. In respect of Count 5, there being no one at home, a card was left. Your phone number was used when you made the redelivery request and this led to your arrest and that of your alleged confederate, who has fled the island. Count 6 alludes to a package that was not intercepted with another fictitious name. Your mobile phone was seized and we have heard details of conversations which plainly implicate you in these offences. Your home address revealed grinders, scales, rolling papers and filters. You, essentially, exercised your right to silence when interviewed.

## **Sentencing Considerations**

We repeat what we have said many times in previous cases, we are bound by Court of Appeal guidelines propagated in the case of Richards and empathetically reiterated by the Court of Appeal in 2021 in the case of Orchard and others. We stress that these bind us today.

We also, consistently with many previous decisions and as stated by the Guernsey Court of Appeal, regard the misuse of the postal system as an aggravating factor making things worse.

For the amount of this drug up to 2 kilos the starting-point is a ban of 3 to 6 years. We have fixed a starting-point based on the particular circumstances of the case before going on to consider any applicable mitigation.

We note the six separate offences, the use of, in certain matters, real people's names and work addresses and the total amount involved. We will sentence concurrently, seeking to reflect all these circumstances. Our starting-point is 4 years, noting the misuse of the postal system. The personal use argument, whatever one might think about it, does not help you when such a quantity is involved that adds to the stock in the island. Again, this has been emphasised by the Court of Appeal, see for example the case of Edwards (2006).

## **Mitigation**

We are bound to give credit for early guilty pleas, in respect of some charges the evidence was strong, but we give you a discount of  $\frac{1}{3}$  for these. You also voluntarily gave up your PIN number. Your previous good character is, in our judgement, significant and must be a factor in your favour. Also you have complied with your conditional bail. Sentencing is not and should not be a mathematical exercise. We have carefully considered the helpful Probation Report and what your Advocate has said, plus the excellent references. All in all we afford you, on the facts of this case, a total discount of around 70%. This is based on the mitigation in this particular case - and each case has to be decided on its own particular facts. In our view, the factor most in your favour is your previous good character.

Looking at the Probation Report we find reference to your good work record and you accept the unhealthy effects of cannabis misuse, which you are trying to deal with, and also against you, had you not been apprehended, the offences would likely have continued.

## **Sentence**

We stress this is not a guideline case and depends on its own particular facts.

You have lost your right to live and work here. You would also find it now impossible to travel to many other countries with these offences.

We would clearly emphasise that had it not been for, in particular, your clean past record and the timely pleas, the sentence would have been significantly larger. You have been given requisite credit for what is in your favour.

Nevertheless, these were repeat offences abusing the postal system, with some elements of deception. The amount is a significant one and the guidelines are firmly in place for us to observe. We make the sentences concurrent to represent your overall offending. We repeat once more that you have had a considerable total discount from a starting-point of 4 years.

In respect of these matters, Mr Conway the sentence on each Count, is **15 months' imprisonment, concurrent.**

**Total 15 months' from today.**

**Forfeiture and Destruction Orders**, as requested.

Should you remain in Guernsey, which is extremely unlikely, Compulsory Supervision for  $\frac{1}{3}$  of your sentence on release.

There was alert work by the G.B.A, which the Court appreciates.

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

**15<sup>th</sup> September, 2023**