

Unlawful importation of the Class A controlled drug cocaine and failure to comply with a RIPL notice.

[2023]GRC040

**ROYAL COURT  
FULL COURT**

**3<sup>rd</sup> May 2023**

**Before: John Russell Finch, Esq., O.B.E., Lieutenant Bailiff and Jurats:  
Joanne Marie Wyatt, Stuart Michael Crisp, Marilyn Jasmine King, Tina Jane Le Poidevin,  
Simon Ernest Bodkin, James Robert Toynton, Jillian Clark.**

**THE LAW OFFICERS OF THE CROWN**

**- v -**

**NATHAN RYAN FARRELL**

**and**

**ZAK CALEB ROBERT WILLIAMS**

**Advocate M S Davies appeared for the Crown  
Advocate S E Steel appeared for Mr Nathan Farrell  
Advocate S J Maindonald appeared for Mr Zak Williams**

**LIEUTENANT BAILIFF:**

**Background**

You appear here today for sentence on an Indictment containing 2 Counts. Both of you - unlawful importation of the Class A controlled drug cocaine and Mr Farrell only, failure to comply with a RIPL notice. The maximum penalties are life and 2 years' respectively.

Mr Farrell is now aged 26 with a caution for violent disorder in 2015 and no previous convictions. We are prepared to treat you as of previous good character. Mr Williams is aged 23 and of previous good character and you are both UK residents. You were apprehended at the States Airport on 30<sup>th</sup> November last year and have been in custody throughout. Timely guilty pleas were indicated and were entered on 23<sup>rd</sup> February this year.

The total amount of cocaine was 53.80 grams, Guernsey street value at the time between £5,380 and £8,070. One package, 26.56 grams was found in Mr William's bag; the other package, 27.24 grams was internally concealed within Mr Farrell's rectum. You both lied to customs when stopped.

You both chose to exercise your right to make no comment when interviewed.

A notice was issued for Mr Farrell's PIN code. This was not provided and is the basis of Count 2.

Analysis of Mr William's phone found incriminating WhatsApp messages involving him, Mr Farrell and an unknown contact. These involved "a good easy earner" and Williams saying "my mate, and can we do two each?". As Mr Williams said to Mr Farrell "hopefully easy money".

### **Sentencing Considerations**

You have been told that in sentencing these types of cases we are bound by guidelines set out by the Guernsey Court of Appeal. We need to select a starting point on the facts then go to consider appropriate mitigation.

The band of sentences laid down as a starting point for the quantity 50 - 100 grams of Class A powder is 9 – 12 years.

We are prepared to treat you as of previous good character, as said, this was a joint venture but internal concealment is generally regarded as an aggravating factor, which we note. Bearing the quantity especially in mind, we will start at the bottom of the scale at 9 years. RIPL offences are always treated seriously, it frustrates investigations, and we start there at 12 months. We note in our deliberations that Mr Williams had had a drug habit, involving cocaine and Mr Farrell as a recreational user.

### **Mitigation**

We have carefully considered what your Advocates have said on your behalf, read the Probation reports and the written material submitted. Your good characters and pleas, even though there was evidence of a clear-cut nature, are both in your favour. In relation to Count 2, there is a usual excuse about personal information, which cuts no ice with this Court. We are entitled to deduce that the reason was to hide incriminating information. It is a poor excuse and frequently used by those who commit drug offences here, also a plea was inevitable and credit has to be limited. We are prepared to go over a 1/3 discount on Count 1, and give a merciful 1/2 discount on Count 2. Mr Williams did supply his PIN code, we note. Our starting point in relation to Count 2 is 12 months.

### **Sentence**

You brought in a dangerous controlled drug to the island. We take account of the human misery we see through drug misuse on a regular basis. Sentences need to show what the consequences of such offences will be. You took a risk and got caught. The punishment should also show others what will happen if you are caught for this type of offence.

In relation to Mr Farrell the sentence is **5 years' and 3 months imprisonment**, noting the internal concealment, which is a serious aggravating factor.

Mr Williams the sentence is **5 years' imprisonment**.

On Count 2, the sentence is **6 months' imprisonment**, consecutive noting the totality principle.

### **Totals:**

- Williams – **5 years' imprisonment**.
- Farrell – **5 years' and 9 months** with effect from the 30<sup>th</sup> November 2022
- **Confiscation and Forfeiture Orders**, as requested.
- **Compulsory supervision** after release for 1/4 of the total sentence.

Those are the sentences; would you please now go with the officers.

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

**3<sup>rd</sup> May 2023**