

Attempting to produce the Class A controlled drug, methamphetamine, possession of a controlled drug of Class C and failing to comply with a RIPL notice.

[2023]GRC039

**ROYAL COURT
FULL COURT**

28th April 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, Simon Ernest Bodkin
and James Robert Toynton.**

THE LAW OFFICERS OF THE CROWN

- v -

THOMAS MARR

ROSS CHRISTOPHER LE PAGE

**Advocate F C Watson appeared for the Crown
Advocate S Mallet appeared for the Defendant, Thomas Marr
Advocate S E Steel appeared for the Defendant, Ross Le Page**

LIEUTENANT BAILIFF:

Background

You appear here today for sentence on an Indictment containing the following counts:

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| <u>Count 1</u> | Both Defendants – Attempting to produce the Class A controlled drug, methamphetamine. |
| <u>Count 2</u> | Mr Le Page Only – Possession of a controlled drug of Class C. |
| <u>Count 3</u> | Mr Marr Only – A similar offence |
| <u>Count 4</u> | Mr Le Page Only – Failing to comply with a RIPL notice. |

The maximum penalties are life on Count 1; 4 years on Counts 2 and 3 and 2 years on Count 4.

Mr Marr is now aged 40. There is a long list of serious convictions, including 82 months here in 2004 for 2 counts of unlawful importation of drugs; 11 years in total in 2016 for producing and possessing controlled drugs. The production being of meth, as is the basis of today's offence and using the same method. There are also convictions for burglary in 2011, 4 years' and 6 months and in Belgium in 2014 for burglary, 10 months. Mr Le Page is 33. In 2011, there was 3 months for unlawful possession of a

controlled drug and in 2016 driving whilst disqualified, plus other custodial and other sentences for a variety of offending.

You are both local residents and have been in custody since 19th October, 2022. Mr Le Page is on Court bail for other offences when he committed these offences. These have been dealt with separately by another constitution of this Court today and you received 3½ years for the other matters. I take the opportunity having heard from Counsel to correct your sentence there, so it now starts from the 19th October as is agreed by Advocate Steel.

Originally, Mr Le Page denied the RIPL offence but changed his plea in March of this year. Guilty pleas have been indicated and made by both defendants to the other counts.

We have heard the facts and seen a short CCTV extract of your arrest and on Count 1, end of scene. This was Vale Castle and paraphernalia connected with the manufacture of meth was found, plus a strong chemical smell. The paraphernalia included dismantled lithium batteries, lighter fluid, a fire extinguisher and other items used in the production of crystal meth. Counts 2 and 3 are minor Class C possession offences – 2 tablets and a patch and were detected after arrest. In relation to Count 4, Mr Le Page originally denied it, but investigation has shown his accounts to be false, upon which the pass code was disclosed. Both defendants choose to exercise their right to silence in interview. Mr Marr throughout and Mr Le Page on the majority of questions put.

The States Analyst has provided an estimate of the yield, based on the reagents found at the scene. This, as we have heard, can only be approximate in all the circumstances, it amounts to a total of around 3 grams of meth in the end. This would be cut for street sale, so around 28 to 30 grams would result in these circumstances.

Sentencing Considerations

You were both playing a leading role on Count 1. Mr Marr has an exactly similar previous conviction. It was a determined effort with the correct chemicals. Meth, crystal meth here, is a Class A drug and therefore the most serious class. Having a regard to the totality principle, Counts 2 and 3 which are minor possession matters will be dealt with concurrently. Count 4 is always a concerning offence involving the concealment of possible evidence, frequently committed by suppliers and importers.

It follows that the previous matter for Mr Marr significantly enhances the starting point in his case. We consider it appropriate to look at what the States' analyst considered and to use the 7 to 9 year band for other Class A offences, set-out in the definitive Richards guidelines. These, as has been pointed out, are guidelines, not a straight-jacket, and each case has to be considered separately on its own individual circumstances. Here the production process was on the way with all the ingredients. Mr Marr as we said received 5 years' back in 2016 on a plea for a similar offence as is in Count 1.

Taking all this into account, we start at 9 years for Marr, and 7 years for Le Page, who has a poor record, but nothing similar to this set of facts.

On Count 4, which is always a matter of concern, we start at 12 months consecutive.

Mitigation

We have considered the Probation reports, which both make for rather depressing reading. We carefully note what your capable Advocates have put forward on your behalf and the letters, which we have read.

In respect of the facts on Count 1, there was no viable alternative to guilty pleas, but we are still encouraged to afford some level of discount. We give those discounts which appear fair in all the circumstances, as you will hear shortly.

On Count 4, we will mercifully, looking at the total, give a discount of 50%, we must note that work had to be done to produce the eventual change of plea.

Sentence

Mr Marr you are now, as stated, 40. You have had help to deal with your drug problems and when the number and seriousness of your offending is considered it is apparent to us that you have largely, so far, wasted your life. Crimes have consequences, there are victims and potential victims. Class A drug use is particularly pernicious in this island jurisdiction and you fall into a population with a high likelihood of re-offending. You now appear for a serious, largely, repeat offence. This is a disturbing picture. You will carry on wasting your life if you continue committing crimes and it is not your interest just that we consider, but wider ones that affect the community.

On the facts, the sentence reflects your record and this was a Class A offence. On Counts 1 the sentence is 6 years' and 6 months imprisonment.

Ross Christopher Le Page also has a long history of substance abuse and numerous convictions for a variety of offending. We pay heed to the totality principle and the sentence is imposed earlier today for other matters. You are part of a population which presents a very high risk of re-offending. In the circumstances the sentence is 4 years' and 8 months imprisonment on Count 1. Count 4, as stated, is always serious, mercifully we give you a one-half discount. The sentence here is 6 months, consecutively. Total 5 years, 2 months.

The other matters this morning were a separate Indictment and the sentence just passed are for different matters. Your sentence will commence at the conclusion of the sentencing imposed earlier today.

On Counts 2 and 3 the sentencing is 7 days' imprisonment concurrent. Not adding to your total.

Mr Marr's sentence is to start from 19th October, 2022.

There will be Forfeiture and Destruction Orders, as requested. There is no reason to order otherwise on the facts we have heard.

Compulsory Supervision after release for a ¼ of the total sentence.

We express appreciation to the authorities for nipping this enterprise in the bud.

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

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

28th April, 2023