

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

[2023]GRC036

**ROYAL COURT
FULL COURT**

03 February 2023

**Before: John Russell Finch, Esq., O.B.E., Lieutenant Bailiff and Jurats:
Stephen Murray Jones OBE, Claire Helen Le Pelley, Terry John Ferbrache,
Joanne Marie Wyatt, Marilyn Jasmine King, Paul Martin Burnard, Heather Reed,
James Robert Toynton.**

THE LAW OFFICERS OF THE CROWN

- v -

RYAN MATTHEW GRAY

Advocate S G Watson 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 2 Counts. Unlawful importation of the Class A drug, cocaine – maximum penalty life; and failing to comply with a RIPL notice, maximum penalty 2 year’s imprisonment.

You ordered the cocaine by post, but fortunately it was intercepted by Law Enforcement and a dummy package substituted. You were apprehended after this had arrived at the address you provided; your work office and you collected it. When interviewed you gave a “cock and bull” story about a person asking you to collect the package and thereby wasted everybody’s time. You failed to comply with a RIPL notice but fortunately again, on this occasion the authorities were able to obtain evidence by way of a forensic extraction. This shows conversations on different platforms that demonstrate your involvement. We have had these read out to us. They indicate, consistently with what is in the Probation report; an intention to supply to 3rd parties. Had you divulged your PIN number, this information could have been obtained with less effort.

The weight of the cocaine, which was concealed in the postal packet was 27.76 grams. Guernsey Street value then, £2,776 to £4,164.

You are a 23 year old man, working as a carpenter in the island since September 2021. You have a recent conviction from the Magistrate’s Court on the 14th March 2022 for possession of two tablets of the Class A drug MDMA.

You have been on conditional bail throughout and entered timely guilty pleas. You complied with the bail conditions, which is in your favour.

Sentencing Considerations

Your very capable Advocate will have told you that we are bound by guidelines from the Guernsey Court of Appeal. We are obliged to follow them, noting, however, that each case has to be approached on its own facts and that they are guidelines and not a strait-jacket.

The band of sentences laid down as a starting point for offences of importation or supply involving the amounts 20 – 50 grams of Class A powders is 8 to 10 years. We must, on the facts, select an appropriate starting point before going on to consider any applicable mitigation. This amount is towards the lower end of the band, although abuse of the postal system is treated as an aggravating factor. In this case, we do start near the bottom end, namely 8 years' 6 months, noting the postal misuse. The RIPL offence did not prejudice the investigation, but not providing your PIN had the Officers not been able to use the available high-tech methods, would have disguised some of your wrong doing. We start at 1 year consecutive, total starting point 9 years' 6 months.

Mitigation

We carefully take account the observations of your Advocate. We note the good work references. You are entitled to credit for that, even though you will no longer be able to work here. You have an unfortunate history of substance abuse in the UK and came to here to escape the drug culture. Subsequently regrettably becoming a part of it in the Island by this offending.

You had a significant drink problem too, which to your credit you have sought to deal with. As stated, you have a recent possession conviction, but that was not a drug-trafficking offence and we have not factored it in to your detriment.

Whilst the evidence against you was compelling, we are nevertheless encouraged to give credit for guilty pleas, which save the valuable time of the Court. But we must note that here, there was not only an importation of the most serious category of controlled drugs but an intention to supply a portion of it. Though we are not double counting this to your detriment when considering your mitigation.

Today, taking everything in your favour fairly, we award a discount of 50% on Count 1 to reflect the pleas and your personal mitigation, erring if anything on the side of leniency. It is never pleasant to deal with a young man, who is a good worker and who has made very bad decisions.

Sentence

This was a substantial amount of a particularly damaging Class A drug, plainly not all intended for personal use and even if it had been that would not have helped you very much. We have got to sentence consistently with other cases, as far we can, and also seek to deter other persons who may be minded to import hard drugs. You have, when all is said, abused the hospitality of this island. We bear the totality principle in mind when sentencing.

- On Count 1 – the sentence is 4 years' and 3 months imprisonment
- On Count 2 – with a reduced discount there on the facts, the sentence is 9 months' imprisonment, consecutive.

Total: 5 years' imprisonment from today with Forfeiture and Destruction Orders, as requested.

Would you now go down with the Officers.

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

3rd February, 2023