

Sentencing for 4 offences - Counts 1 & 2 being concerned in the supplying of controlled drugs contrary to Section 3 of the Misuse of Drugs (Bailiwick of Guernsey) Law, 1971. Count 1 relates to LSD a Class A drug, the maximum sentence for which is life imprisonment and Count 2 relates to cannabis, a drug of Class B, with a maximum sentence of 21 years' imprisonment. Count 3 is of handling stolen goods contrary to Section 5 of the Theft (Bailiwick of Guernsey) Law, 1983 with a maximum sentence of 14 years, and Count 4 is of failing to surrender to custody, Section 10 of the Bail (Bailiwick of Guernsey) Law, 2003 maximum sentence of 12 months.

[2024]GRC087

**ROYAL COURT
FULL COURT**

18 December 2024

**Before: Catherine Maureen Fooks, Judge of the Royal Court
and Jurats: Stephen Murray Jones OBE, Stuart Michael Crisp,
Marilyn Jasmine King, Tina Jane Le Poidevin, Simon Ernest Bodkin,
James Robert Toynton, Richard Jeremy Wallen James
and Kay Parnwell.**

THE LAW OFFICERS OF THE CROWN

- v -

DAVID MONTGOMERY DYSON

Advocate J D McVeigh appeared for the Crown

Advocate S E Steel appeared for the Defendant

JUDGE OF THE ROYAL COURT:

Background

Mr Dyson you have pleaded guilty to four Counts on an Indictment, Counts 1 & 2 are of being concerned in the supplying of controlled drugs contrary to Section 3 of the Misuse of Drugs (Bailiwick of Guernsey) Law, 1971. Count 1 relates to LSD a Class A drug, the maximum sentence for which is life imprisonment and Count 2 relates to cannabis, a drug of Class B, with a maximum sentence of 21 years' imprisonment. Count 3 is of handling stolen goods contrary to Section 5 of the Theft (Bailiwick of Guernsey) Law, 1983 with a maximum sentence of 14 years, and Count 4 is of failing to surrender to custody which is against Section 10 of the Bail (Bailiwick of Guernsey) Law, 2003 and carries a maximum sentence of 12 months.

The facts are that you were initially arrested in relation to Count 3, the handling, in April 2020 following reports of a domestic burglary and your identification as a suspect. When cautioned you replied "*I went in there with someone else, they started taking things and I was like what the actual fuck*". Your mobile phone was seized. A search of your then home address revealed a large amount of general building materials and power tools, some of which were matched with items taken in the burglary, specifically a sander, a router, a hammer drill and three tubs of paint valued at £450. All items have been returned to the lawful owner.

Examination of your phone revealed messages in March/April 2020 offering to supply LSD to contact A, recording the sale by you of 10 tabs of LSD to contact B at £15 each, who said that he would sell them on at £20 each. You said that you had 20 tablets available. There was also evidence of further communications with contact C regarding the poor quality of the drug and with contact D thanking you for sorting him out, in other words, supplying him the previous week, and referencing your difficulty in getting stock. Examination of your phone also revealed messages in March 2020 concerning the supply of cannabis with messages between you and contact D concerning the supply by you of an unquantified amount of cannabis, with contact F concerning the supply of a couple grams of cannabis with contact G concerning 4 grams of cannabis for £100 and 6 grams of cannabis at £25 per gram and with contact H concerning an overdue payment of £25 for 1 gram of cannabis. It is to be noted that contact B, who had purchased LSD from you was found to be the supplier of your cannabis.

You failed to surrender to Police bail on 7 December 2020 (Count 4) and travelled to England where you committed criminal offences and were imprisoned for 2 years from September 2023. Upon release you returned to Guernsey voluntarily, a warrant was then issued for your arrest and was then executed on 5 September 2024 and you were brought before the Magistrate's Court and remanded in custody.

In 2020 you were interviewed twice about the burglary where you gave conflicting accounts of the origin of the tools found in your shed, and once in relation to the drugs in which you said you had used cannabis as a form of back pain relief for your back complaint.

You are a local, single man of 28 years of age now, 24 at the time of the offences. You had worked as a fisherman. You have previous convictions notably in Guernsey for theft and criminal damage for which you were sentenced to a Community Service Order in the Magistrate's Court which you breached and this was replaced with immediate custody.

In the UK, you appeared in the Magistrate's Court in September 2023 for arson, assault on emergency workers and criminal damage for which you were sentenced to 2 years' imprisonment. You have no previous convictions in respect of drugs or bail offences. You have been in custody since your return to Guernsey on 6 September 2024.

Sentencing Considerations

The sentencing guidelines applicable to offences involving the supply of drugs are contained in the case of Richards. Those guidelines were recently considered by the Guernsey Court of Appeal in Barras, Watt and Orchard v Law Officers of the Crown [2021] GCA 045 and reaffirmed as current and appropriate. The Court will continue to follow those guidelines. In your case the quantities are at the lowest end of the lowest band for each class of drug. The lowest starting point for the supplying of Class A in tablet form is 7 years and for cannabis 3 years. We will take a combined starting point for those two Counts of 8 years and there are no aggravating or mitigating factors so the starting point remains at 8 years.

There are no specific guidelines on handling so we sentence on general principles in the context of Guernsey where domestic burglary and associated offences are offences which are thankfully rare and which this community wants to remain so but we have an eye on the helpful sentencing guidelines in England, in terms of aggravating and mitigating factors. We set the initial starting point for the handling before those factors at 15 months. There are aggravating factors in your case; the previous convictions for theft and the possession of very recently stolen items. Whilst it is said that there was forensic evidence linking you to the property which was burgled we are sentencing you for handling not burglary. We set the revised starting point before consideration of plea and personal mitigation at 18 months.

Again, there are no specific guidelines in relation to offences of failing to surrender to custody and so we approach the sentencing exercise in the same way as above, on general principles in the Guernsey

context, drawing guidance from the English Sentencing Guidelines where appropriate. Your decision to leave the jurisdiction resulted in a significant delay to the administration of justice, though fortunately, as your Advocate pointed out no court time was wasted. We set the starting point before aggravating and mitigating factors at 8 months. There are no aggravating factors. Your return to the island was voluntary as you said that you wanted to come back and face up to your crimes which is a mitigating factor and enables us to reduce the starting point before consideration of plea and personal mitigation to 6 months.

The handling and failing to surrender will be sentenced consecutively to the drugs offences. We will consider totality when setting the final sentences.

Mitigation

Plea

The Court must first consider the impact of your guilty pleas on sentence. Generously, we will afford you full credit for those pleas.

Personal Mitigation

The Court has considered carefully the informative Social Enquiry Report prepared in respect of you. We have also listened to the structured submissions of your Advocate. He made all the best points for you. We have carefully read the letters provided which do not shy away from the seriousness of your offending and offer you support in your determination to make a better life. We note your frankness and remorse when assessed by the report writer in terms of your drug offending. You have admitted to being involved in drug abuse and dealing, largely for financial benefit, from a young, and in her view, susceptible age. We take into account all that is said about your life experience. You say that you want to change and there is evidence of positive change, in terms of the results of the random drug tests in prison.

Whilst you were less frank about your involvement in the handling matter, again you have been frank about why you failed to surrender to custody. You said that you were not ready to go to prison, as you knew that you would, in view of the penalties for drug dealing in Guernsey. Your drug dealing and use continued while away and you ended up in custody for serious offences. We acknowledge that your behaviour in Prison here has been marked contrast to that in prison in the UK.

You are assessed as having a high risk of re-offending and, in view of the offences committed in the UK, as posing a risk of serious harm to the public and you are registered as a MAPPA subject. We note that there is no request for a Drug Trafficking investigation in respect of you at this stage.

Nothing but immediate custody will adequately mark the seriousness of these offences. All of them harm our community in one way or another, as well as, in the case of the handling, the victim of the burglary.

In sentencing you we have taken into account the totality principle and kept the sentences to a minimum. We have also taken into account the time served on remand.

Sentence

Mr Dyson there is not a lot to say. You have come here realistically expecting to remain in prison and you say that you want to make meaningful changes in your life. That is entirely in your hands.

Taking into account all of the above and applying the appropriate, and, perhaps, generous discounts the sentence will be as follows:

- **Count 1** – 52 months’ immediate custody from 6 September 2024,
- **Count 2** – 20 months’ concurrent with Count 1,
- **Count 3** – 9 months’ consecutive,
- **Count 4** – 3 months’ consecutive.

A total of **5 years 4 months’ immediate custody** with effect from 6 September 2024.

In accordance with Section 1 of the Criminal Justice (Supervision of Offenders) (Bailiwick of Guernsey) Law, 2004, upon release (or completion of any parole period if applicable), you will be subject to supervision by the Probation Service for a period equal to one quarter of the total sentence or the period you would have served had you not received remission, whichever is the shorter. If you fail to comply with the conditions of the supervision, which were contained in the report but are not a matter for the Court, you will be liable to further imprisonment, a fine, or both.

The Crown’s application pursuant to Section 3 of the Police Property and Forfeiture (Bailiwick of Guernsey) Law, 2006, which was not opposed, for forfeiture of the lawfully seized Apple iPhone valued at £150 to £200 which relates to the offences is also granted, the Court having considered the likely effects on you of forfeiture.

The total sentence is **5 years 4 months’ imprisonment** with effect from 6 September 2024, together with forfeiture of the Apple iPhone.

Catherine Maureen Fooks
Judge of the Royal Court

18 December 2024