

Sentencing remarks regarding two counts of being knowingly concerned in the fraudulent evasion of the prohibition on importation of a controlled drug, Cannabis, which is Class B, each contrary to section 77 of the Customs and Excise General Provisions (Bailiwick of Guernsey) Law, 1972 and being in contravention of the prohibition on importation imposed by section 2(1)(a) of the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974.

[2025]GRC009

**ROYAL COURT  
FULL COURT**

**14 February 2025**

**Before: Sir Richard James McMahon, Bailiff and Jurats:  
Stephen Murray Jones OBE,  
Stuart Michael Crisp, Marilyn Jasmine King, Simon Ernest Bodkin, Jillian Clark,  
Ian Michael Brown, Kay Parnwell and Sally-Ann David.**

**THE LAW OFFICERS OF THE CROWN**

**- v -**

**Rebecca Louise SAUNDERS  
(Formally known as Raymond Joseph SAUNDERS)**

**Crown Advocate C G Dunford appeared for the Crown  
Advocate S E Steel appeared for the Defendant**

**BAILIFF:**

**Background**

Rebecca Saunders, you have pleaded guilty to an Indictment containing two counts of being knowingly concerned in the fraudulent evasion of the prohibition on importation of a controlled drug, Cannabis, which is Class B, each contrary to section 77 of the Customs and Excise General Provisions (Bailiwick of Guernsey) Law, 1972 and being in contravention of the prohibition on importation imposed by section 2(1)(a) of the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974.

Each count carries a maximum penalty of 21 years' imprisonment. You are now aged 36, but these offences were committed in July of last year, before your last birthday. You live and work in Sark as a carriage driver.

The offences arise from two postal importations, sent to your address in Sark, but under a pseudonym, seemingly of a retired jockey. The first package was regarded as suspicious and so returned to Guernsey Post Headquarters and found to contain 29.11 grams of herbal Cannabis. The second package was a replacement for the first, which had not been delivered and contained 28.05 grams of herbal Cannabis.

Whilst you initially denied anything to do with these packages, you have accepted by your pleas that these were sourced by you, as also shown by the analysis of messages on your mobile telephone. The local value of 57.16 grams of Cannabis, is between £2,166.40 and £2,708.

**Sentencing Considerations**

You have one previous conviction for possession imposed by the Court of the Seneschal of Sark on 9 August 2024, which post-dates this offending. So you are not in breach of the conditional discharge you received last summer for that offence. You have been on conditional bail throughout these proceedings.

This Court looks first at the offending and your role in relation to it, before turning to any personal mitigation. The Court of Appeal has provided guidelines for sentencing for a drug trafficking case in the well-known case from 2002 of Richards, the content of which has been confirmed more recently in 2021 in Barras, Watt & Orchard.

As set out in paragraph 8 of Richards, the starting point for the offence is determined primarily by considering two factors: the quantity of the drugs and the involvement or role of the defendant in committing the offence. That paragraph also states that the greater the sophistication of the method used to evade detection, the more seriously the offence will be regarded.

On quantity, the range given as a starting point for an offence involving Cannabis of 0.00 up to 2 kgs is 3-6 years' imprisonment. As stated in paragraph 11 of Richards, the purity of the drugs will generally not be a factor that is taken into account on sentencing, so the analysis that this was 'high CBD' and 'low THC' does not assist.

It appears to the Court that you chose to have Cannabis sent to you in Sark using the postal system meaning you were directly involved. Advocate Steel was realistic enough to realise that this was not a case which could be sentenced as simple possession for personal use. Whereas the Court of Appeal in Edwards (noted 4 years after Richards), what amounts to a very small amount necessarily has to have regard to the facts and circumstances of the case in question. In any event, we consider the amount greater than a very small amount and the fact that there was contact to source a replacement for the undelivered first package, reinforces our view that the Richards guidelines should be applied.

In identifying a starting point, we recognise that the amount is towards the bottom of the lowest range, although we have to take into account that importation by using the postal system aggravates the seriousness of each offence. Accordingly, we take a starting point towards the lowest point in the range, being 3½ years' imprisonment.

## **Mitigation**

The Court now turns to what personal mitigation there is in your case and how that impacts on the starting point we have identified. In doing so, we have had regard to what is written about you in the helpful and realistic probation report and what Advocate Steel has told the Court this afternoon. From the report, we have noted the assessment of there being a low risk of you reoffending.

The most significant elements of the mitigation are the guilty pleas that you identified at the earliest opportunity, for which we will afford you full credit of a one-third discount, no matter how inevitable those pleas may have been, noting again, what is set out in paragraph 15 in Richards.

We understand that you hold pro Cannabis views, but you have been living in the Bailiwick for long enough now that you will also understand that drug trafficking is not tolerated and will be dealt with in an appropriate fashion. We will treat you as if you were of previous good character. We have taken into account the reasons why you became a Cannabis user, although this is of little direct relevance. We think you have a good work ethic and we understand that you have expressed remorse and that you have explained that you will not reoffend.

We have also taken into account your transgender status. This was something that was addressed by the Court of Appeal in a reference under section 43(b) of the Court of Appeal (Guernsey) Law, 1961, in the case of Trenchard, dealt with last year. It was the 11<sup>th</sup> factor listed in paragraph 10 where this Court had commented that being a transgender person presents its own challenges in a Prison

environment and we note the concerns expressed in this regard. That was further addressed in paragraph 35 of the judgment with the conclusion being that it had not been given excessive weight. We have therefore taken this factor into account, but it is not the reason for the decision on sentencing that we have reached.

## **Sentence**

Rebecca Saunders, the Court is familiar with people asserting that they are self-medicating. It seems to us that you swapped excessive reliance on alcohol by replacing it with Cannabis use and that followed the heart-attack that you sustained in your late 20s. As you now appreciate, it was unwise to seek to solve your issues by yourself, however difficult accessing a prescription might have been in your financial circumstances. We consider that you are fortunate to have a job that you enjoy in Sark, providing you with somewhere to live, albeit that the financial rewards associated are not large. To your credit, you are now attempting to deal with this properly and you understand that until the law on recreational drugs is actually changed, this Court will take a dim view of drug trafficking.

Although the quantity involved is comparatively small and we would be justified in sending you to Prison this afternoon, we will not do so, because your previous good character and our belief that this is an experience you will not want to repeat, leads us to conclude that we can deal with you instead by way of a Suspended Sentence.

We have reached this decision because we believe there is a realistic prospect of your rehabilitation without you seeing the inside of Les Nicolle and in light of the mitigation to which we have referred. This outcome remains a custodial sentence and so should serve as a deterrent to others, as well as being a reminder to you that you must not transgress again.

Accordingly, the sentence for each Count, where the sentences will run concurrently, will be one of 21 months' imprisonment, but that will be suspended for a period of 3 years. I explain that that is the longest period for which a Suspended Sentence can be given, but we have chosen it to serve as a meaningful deterrent to you. You will not have to serve the Suspended Sentences of imprisonment unless during the next 3 years you are convicted of an offence punishable with imprisonment. If you are convicted of such an offence, you are liable to serve all or part of this sentence.

The Forfeiture and Destruction Orders sought by the Crown in respect of the Cannabis, which were not opposed, are granted.

As regards to the mobile telephone, the Crown's application pursuant to section 3 of the Police Property and Forfeiture (Bailiwick of Guernsey) Law, 2006, is also granted. The Court notes that this application was also not resisted, and, in any event, the Court is satisfied that this device was lawfully seized and is satisfied that it was used for the purpose of committing or facilitating the commission of an offence. The Court has, as required by subsection (5), had regard to the value of the property and the likely financial and other effects on you of making the Order, before deciding to grant the Crown's application.

We have noted that there is no request on behalf of His Majesty's Procureur for a drug trafficking investigation.

**Sir Richard J McMahon**  
**Bailiff**

**14 February 2025**