

Sentencing remarks regarding two counts, one of being concerned in the supplying of a controlled drug of Class A, namely MDMA, to another, contrary to section 3 of the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974, as amended and the second of possessing Class B, cannabis, contrary to section 3 of the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974, as amended.

**[2025]GRC017**

**ROYAL COURT  
FULL COURT**

**7<sup>th</sup> February 2025**

**Before: Catherine Maureen Fooks, Judge of the Royal Court and Jurats:  
Stephen Murray Jones OBE, Steven John Morris, Stuart Michael Crisp,  
Marilyn Jasmine King, David John Robilliard MBE, Simon Ernest Bodkin  
and Ian Michael Brown.**

**THE LAW OFFICERS OF THE CROWN**

**- v -**

**Milton Ventura FERREIRA**

**Advocate J D McVeigh appeared for the Crown  
Advocate S E Steel appeared for the Defendant  
(An Interpreter assisted the Defendant)**

**JUDGE OF THE ROYAL COURT:**

**Background**

Mr Ferreira, you have pleaded guilty to two counts, the first of being concerned in the supplying of a controlled drug of Class A, namely MDMA, to another, contrary to section 3 of the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974, as amended, the maximum penalty for which is life imprisonment and the second of possessing Class B, cannabis, contrary to the same Law which carries a maximum penalty of 10 years' imprisonment.

The facts are that, on the 31<sup>st</sup> May 2024, the Police executed a search warrant at your home and found 2.26 grams of herbal cannabis valued at between £90-£113 in two pots and a grinder and 140 grams of MDMA, valued at between £11,214, mixed with caffeine, mostly in dealer bags but also in other bags and some in a container. The majority was hidden in a shoebox in the wardrobe. They also found digital scales and rolled up £1 notes. At interview, you accepted the presence of the MDMA but denied selling it. You said that you had been holding it for about 9-12 months for a close friend whom you refused to name, who would come to collect some from time to time. You said that you occasionally took some for yourself, you had no involvement in its preparation by your friend, though you were present at the time of preparation, you received no payment and that you were not under any pressure to hold it. You have later admitted selling some of it. You said that the cannabis was for your personal use.

You are 32 years of age (31 at the time of the offences) and you have lived in Guernsey since 2017. You are a graduate and you had been working as a finance assistant at a local hotel. You have one previous conviction which is not relevant. You have been on conditional bail throughout the proceedings.

### **Sentencing Considerations**

The sentencing principles applicable to offences involving the supply of drugs are contained in the case of Richards and those guidelines were considered by the Guernsey Court of Appeal in Barras, Watt and Orchard v the Law Officers, 2021 GCA045 and reaffirmed as current and appropriate and this Court will continue to follow those guidelines.

In our judgment, you were fully involved in the supplying and you have to accept that you were providing a safe place for the storage of the MDMA which was being divided into deal bags in your premises for sale. You have also admitted some direct selling yourself. Based on your role and the quantity, the starting point for the Class A offence is one of 11 years.

There are no guidelines for possession offences. In view of the very small quantity of cannabis in your possession, which we accept was for personal use, we propose to impose no separate penalty for that offence. There are no aggravating factors so the starting point for the Class A remains at 11 years.

### **Mitigation**

You indicated your guilty pleas at committal and we are able to afford you full credit for your guilty pleas to both offences. The Court has considered carefully the helpful Social Enquiry Report prepared in respect of you and we have also listened to the succinct and pertinent submissions of your Advocate. In our view, you have many good points to offer in mitigation. We have read the letters provided, especially the one from you in which you eloquently express your sincere remorse and insight into your actions. We note that you provided your PIN and admitted the extent of your dealing, despite a lack of independent evidence. As indicated, your previous conviction is not relevant and we therefore treat you as a person who has no previous convictions.

You are assessed as having offended through a mix of financial gain, misplaced trust in a friend and personal use. It was, as you say, a serious error of judgement, demonstrating a level of naïvety. You are not assessed as having any issues which require intervention.

You settled in Guernsey and you built a life here with a good job and a promising future. A consequence of your offending is that you lost your job which was not only a blow to you, but to your employer who speaks so highly of you as “a trusted and well-respected member of staff”. In reality, you will not be able to live and work in Guernsey, even after your release.

You are assessed as having a low likelihood of reoffending which we take into account. We note that there is no request for a Drug Trafficking investigation in respect of you at this stage.

### **Sentence**

In view of the sentencing guidelines, immediate custody is the only outcome today, one for which you are prepared. Supplying Class A drugs ruins lives and must be marked, the community protected and others deterred. As you said Mr Ferreira, “this is a big life lesson”. You chose to move to Guernsey because it is safe and you acknowledge having negatively affected that safety through your actions. Make good use of your time in Prison and a fresh start when you leave.

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

- Count 1: 5 years' imprisonment from today;
- Count 2: No Order

In total the sentence will be one of **5 years' imprisonment** with effect from today.

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 supervision, you will be liable to further imprisonment, a fine or both.

The Crown's application pursuant to section 26 of the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974, as amended, which was not opposed, for the forfeiture and destruction of the drugs and exhibits listed in the Prosecution opening statement, which were lawfully seized and relate to the offences, is also granted.

### **Deportation**

You are not a British citizen so your commission of the offences, in particular the supplying of Class A drugs, makes you liable to deportation. We are required to consider the question of whether or not to recommend that you be deported. We emphasise, as we must, that the Royal Court itself does not have the power to order deportation. Its powers under the Immigration Act 1971, as extended to the Bailiwick of Guernsey, are confined to making a recommendation to His Excellency the Lieutenant-Governor.

Before making any recommendation for deportation, the Court must conduct a balancing exercise. The principles this Court must follow were established by the Court of Appeal in the case of O'Dette in 2007. It is necessary to consider in respect of you whether:

- (a) your continued presence is to the detriment of the jurisdiction;
- (b) the offence is serious enough to merit deportation; and
- (c) there is a risk of re-offending.

The Court, as a public authority, is also required to take into account the rights afforded to you by the European Convention on Human Rights and in particular, by Article 8, conferring "the right to respect for family life, private life and your home", incorporated into domestic legislation by virtue of the Human Rights (Bailiwick of Guernsey) Law, 2000.

The letter from Immigration and Nationality dated 10<sup>th</sup> October 2024 in the bundle sets out the legislation and the matters relevant to our consideration of whether to make a recommendation for your deportation. Those details include that of your residence since birth, family and your connection with Guernsey. Your family is mostly based in Portugal and you have no family in the UK or the Channel Islands apart from your cousin and your uncle who are here; you came to Guernsey in 2017 in order to work alongside your uncle. You have established a circle of friends in Guernsey. You have acknowledged that you will be unable to work here after your release as your sentence will exceed 30 months, so you will not be able to secure a Permit in the future. You have also said that you intend to return to Portugal. We note that you are an EU National with settled status granted under the EU Settlement Scheme, which means that, although you might be deported from Guernsey, the Order would not automatically apply in the UK.

Taking all this information and your advocate's realistic submissions on your behalf into account, we have undertaken the balancing exercise, balancing the presumption that deportation is in the public interest against any interference with your Article 8 rights. We are satisfied that the offence of

importing Class A drugs into this Bailiwick is sufficiently serious to make a recommendation for deportation a proportionate response. Whilst it is acknowledged that there is a low risk of you reoffending, this offence is such that the Court finds that your continued presence would be to this jurisdiction's detriment. We are satisfied, therefore, that it is appropriate to make a recommendation to His Excellency for your deportation at the conclusion of your sentence and we therefore make that recommendation.

In summary, Mr Ferreira:

- there is a term of imprisonment of 5 years from today;
- forfeiture and destruction of the drugs is ordered; and
- the Court is making a recommendation for your deportation.

**Catherine Maureen Fooks**  
**Judge of the Royal Court**

**7<sup>th</sup> February 2025**