

Sentencing remarks regarding the following offences:- Being knowingly concerned, together, in the fraudulent evasion of the prohibition on importation of goods namely ketamine, a Class B drug, contrary to section 77(1)(b) and 77(2) of The Customs and Excise General Provisions (Bailiwick of Guernsey) Law 1972, as amended, in contravention of the prohibition on importation imposed by section 2(1)(a) of The Misuse of Drugs (Bailiwick of Guernsey) Law 1974, as amended. Being concerned in the supplying of ketamine, a Class B drug, to another, contrary to section 3(3)(b) of the 1974 Law and failing to disclose certain information within seven days as required by a notice served under section 46 of The Regulation of Investigatory Powers (Bailiwick of Guernsey) Law 2003. Guilbert only - inflicting GBH, a common law/customary law offence.

**[2025]GRC039**

**ROYAL COURT  
FULL COURT**

**16<sup>th</sup> May, 2025**

**Before: Catherine Maureen Fooks, Judge of the Royal Court  
and Jurats: Stephen Murray Jones OBE, Steven John Morris,  
Marilyn Jasmine King, Heather Reed, Simon Ernest Bodkin,  
Jillian Clark and Richard Jeremy Wallen James,**

**THE LAW OFFICERS OF THE CROWN**

**- v -**

**ANTHONY WOLF JENKINS  
MOLLIE SHANNON O'CONNOR  
ROCCO LEE GUILBERT  
RORY SETTLE JOHNSON**

**Advocate L Roffey appeared for the Crown**

**Advocate N Newell appeared for Anthony Wolf Jenkins  
Advocate S H Davies appeared for Mollie Shannon O'Connor  
Advocate S E Steel appeared for Rocco Lee Guilbert  
Advocate S E Steel appeared for Rory Settle Johnson**

**JUDGE OF THE ROYAL COURT:**

**Note**

On 16<sup>th</sup> May, 2025, the Defendants appeared for sentence on one Indictment containing 9 Counts relating to drug and RIPL offences and in respect of Mr Guilbert also on a separate Indictment containing one count of GBH. There were various issues to be determined and, in view of the late hour by the time the Court had concluded its deliberations, the Court decided to hand down the sentences on that day and deliver the sentencing remarks at a later date. These are the sentencing remarks structured in the usual way (incorporating the sentences and the address directly to the Defendants from 16<sup>th</sup> May 2025) as delivered on 29 May and tidied up for publication.

## Background

Mr Jenkins, Ms O'Connor, Mr Guilbert and Mr Johnson you are here to be sentenced on an indictment containing 9 counts and Mr Guilbert you are here to be sentenced on a second indictment containing 1 count as follows:

### Indictment 1

- 1. Count 1** concerns Mr Jenkins, Miss J O'Connor and Mr Guilbert and is of being knowingly concerned, together, on 11<sup>th</sup> and 20<sup>th</sup> August 2024 in the fraudulent evasion of the prohibition on importation of goods namely ketamine, a Class B drug, contrary to section 77(1)(b) and 77(2) of The Customs and Excise General Provisions (Bailiwick of Guernsey) Law 1972, as amended, in contravention of the prohibition on importation imposed by section 2(1)(a) of The Misuse of Drugs (Bailiwick of Guernsey) Law 1974, as amended ("the MDL"). The maximum penalty is 21 years' imprisonment ("the August Importation").
- 2. Counts 3 and 5** concern Mr Jenkins and Miss O'Connor together and is the same offence but on or around 7<sup>th</sup> April 2024 ("the April Importation") and on or around 11<sup>th</sup> July 2024 ("the July importation").
- 3. Count 4** concerns Mr Jenkins and is the same offence but on or around 18<sup>th</sup> May ("the May importation").
- 4. Count 6** concerns Mr Johnson and is of being concerned in the supplying of ketamine, a Class B drug, to another, contrary to section 3(3)(b) of the MDL the maximum penalty for which is 21 years' imprisonment.
- 5. Count 2** concerns Mr Guilbert and is of failing to disclose certain information between 20 August and 1<sup>st</sup> September 2024 within seven days as required by a notice served under section 46 of The Regulation of Investigatory Powers (Bailiwick of Guernsey) Law 2003 ("RIPL"). The maximum sentence for this offence is 5 years' imprisonment.
- 6. Counts 7 8 and 9** concern Mr Johnson and are 3 separate RIPL offences all between 21<sup>st</sup> and 24<sup>th</sup> October 2024.

**Indictment 2** This Indictment concerns Mr Guilbert and is a single count of inflicting GBH on Jack Farrell, a common law/customary law offence and which carries a maximum immediate penalty of life imprisonment.

The facts have been set out in full by Advocate Roffey. Ketamine was imported into Guernsey on 4 occasions between April and August 2024. Mr Jenkins and Miss O'Connor both imported the drugs on each occasion, except for the May importation, which was by Mr Jenkins alone. The Prosecution case is that Mr Johnson was the man on the ground in the April, May and July importations, the middle man between the importer and customers in Guernsey and he was replaced by Mr Guilbert in that role in the August importation. Mr Guilbert had offered to pay Mr Jenkins £9,000 (which he did not have) for the drugs which he would then sell on. The August importation was uncovered when Mr Jenkins and Miss O'Connor were stopped at the airport on arrival from England. They were later found to have internally concealed ketamine, Mr Jenkins in his rectum (139.92g) and Miss O'Connor in her vagina (81.02g), totalling 220.94g. Analysis of their phones revealed the earlier importations, which were also internal concealments and the involvement of Mr Johnson in the April, May and July importations and Mr Guilbert in the August importation. On his arrest, Mr Guilbert had £598 in cash and a quantity of deal bags. Mr Guilbert and Mr Jenkins were issued with RIPL notices with which they failed to comply, Mr Guilbert regarding his iPhone and Mr Johnson regarding two iPhones and Apple laptop.

At Interview Mr Jenkins claimed that the purchase price of the August importation of ketamine was £250 (which he corrected to £500 with the writer of the Social Enquiry Report) and that he was expecting the person buying from him, whom he claimed not to know, to pay £9,000 before that person would sell it on. He denied any earlier importations but he did supply his passcodes. The remaining Defendants exercised their right to silence.

The facts of the GBH matter for Mr Guilbert are encapsulated by CCTV which you rightly said Mr Guilbert, when interviewed, was not nice to watch. It shows on Saturday 8<sup>th</sup> February your victim and you on good terms but then you grabbed the person next to him. The victim placed his hand, on your arm in what was clearly an attempt to diffuse the situation and you punched him hard to the face with sufficient force to break his jaw and to knock him back into a metal pole which caused him to fall to the floor. Your victim had to travel to Southampton to have his jaw wired and again to repair broken wires. He suffered considerable pain, restricted jaw movement and was off work for at least 15 days. Clearly he will also have suffered psychological harm.

Mr Jenkins, you are a 31 year old non-local man 30 to 31 years old at the time of offending. You are an undergraduate and a chef. You have an extensive and relevant record including, notably, a conviction in England for the possession of a Class A drug with intent to supply in 2016 for which you received a 3 year sentence of imprisonment. You also received a Suspended Sentence Order in England in July 2023 for 8 non-drugs offences with a term of imprisonment of 18 months to which you were still subject when you committed the offences with which this Court is dealing. You have been remanded in custody since 21<sup>st</sup> August 2024.

Miss O'Connor, you are a 29 year old non-local woman, 28 to 29 at the time of offending. You are a painter and decorator. You have previous convictions but none for drugs. You were subject to a Suspended Sentence Order at the time of the offending. You and Mr Jenkins were cohabiting at your family home prior to your arrest. You have also been remanded in custody since 21<sup>st</sup> August 2024.

Mr Johnson, you are a 24 year old local man, 23 to 24 at the time of offending. You are a graduate and working as a sales executive having formed your own company, as well as running music events. You have no previous convictions. You have been on conditional bail throughout most of the proceedings.

Mr Guilbert, you are a local man of 22 years of age, 21 at the time of offending. You are a trainee electrician. You have previous convictions notably one for RIPL offence in 2022 when aged 17 for which you received 120 hours Community Service Order from this Court. You have been on conditional bail throughout the proceedings.

## **Sentencing Considerations**

### **Drugs Offences**

#### Which guidelines apply

There is some dispute in this case as to the appropriate sentencing guidelines to be applied in the case of ketamine, a class B drug in powdered form. We have received and considered all the submissions, written and oral and we have been assisted by the report of the Prosecution expert Mr Smith as to the nature of ketamine.

Counsel agreed that there is no difference in the sentencing principles to be applied to offences of importation or supplying. In this case there are differences between the Defendants in terms of quantities, number of offences and, to some extent, roles to which we will return. The general sentencing guidelines applicable to offences involving the importation or supplying of drugs are contained in the case of Richards and re-affirmed as current and appropriate by Guernsey CA in Barras, Watt and Orchard v Law Officers (2021) GCA045. As Advocate Roffey submitted, the bands in

Richards do not cover ketamine and other Emerging Drugs of Concern. The guidelines in Richards for Class B are expressly stated to apply to cannabis. There is another Court of Appeal case in Guernsey The Law Officers v Gints Grunte, Court of Appeal Judgment 69/2005 to be considered. The specific drug being considered in Grunte was amphetamine sulphate in powdered form. It has, in the past, been taken that the Grunte guideline (which is to take 2/3 of the class A powder guideline in Richards) applies to all class B powders and indeed this Court (with me sitting) took that approach in Sheen 2021 in a case involving ketamine. There was no argument on the applicable guidelines. The point was then argued and considered by me in the case of The Law Officers of the Crown v Bickley (2022) GRC018 which was a case concerning a synthetic cannabinoid also not covered expressly by Richards. I ruled that the scope of Grunte (noting that this Court is not bound by its own judgments) to be limited to amphetamines or Class B drugs in powder or tablet form similar to amphetamines and that sentencing of drugs which do not expressly fall within Richards or Grunte ought to be conducted on the general principles contained in Richards. At para 62 of Bickley I said this to which counsel in this case referred:

*“My conclusion is that the Royal Court should apply the Richards guidelines generally to the case before me. This does not mean, however, that a gram for gram comparison by weight with cannabis is the only criterion for the starting point when the sentencing band is for cannabis and cannabis resin and the drug in this case is a powder, not directly covered by those guidelines. Richards is about so more than the sentencing bands which are, in any event, only a guide. As the learned Bailiff said in Shafaq and Williams, (note that this case was concerned with a synthetic cannabinoid) it gives the Court principles with which to set a sentencing starting point and matters to take into account in sentencing. Those matters include, in appropriate cases, value and purity”.*

In this case Advocate Newell for Mr Jenkins, with the support of Advocate Davies and Advocate Steel for the other Defendants, urged us to apply the Richards guidelines for cannabis to the sentencing of ketamine and submitted that it would be wrong to apply the Grunte guidelines (as ketamine is not an amphetamine or similar) and that this Court does not have enough scientific evidence before it to set a new guideline. Advocate Roffey, took a neutral stance but helpfully summarised the relevant cases and issues for the Court.

Whether the applicable guidelines are Richards itself, Grunte (which applies the same general principles) or a more general approach based on Richards as per Bickley, we must determine the quantity of ketamine, the roles of each Defendant and consider the street value (to a lesser extent) when setting a starting point.

### The quantity of the drugs

In this case there is disagreement as to the quantity of the drugs to be used as the primary starting point for sentencing. The August amount is not in dispute as was seized, which we take to be 221g, rounding it up. Analysis of phones led the Guernsey Border Agency to identify the following minimum quantities imported on the earlier occasions:

- April importation - 30-40g.
- July importation - 100-120g.

We accept the submissions of Counsel for the Defendants Mr Jenkins, Miss O’Connor and Mr Johnson that we should give the Defendants the benefit of the doubt and set the quantity for the April and July importations at the lower end of the above ranges. The Prosecution case is that not possible to calculate the amount imported in May but attention is drawn to the quantity of August importation and, effectively, Advocate Roffey was inviting the Court to draw an inference from that quantity as to the quantity in May. Counsel for the Defendants Mr Jenkins and Mr Johnson urged us to set the quantity for the May importation at nil as Mr Jenkins cannot recall the amount imported. We agree with Advocate Roffey that to do so would be inappropriate as this would result in no sentence for that

importation at all when there is clearly acceptance that an amount was imported. Mr Jenkins' alleged lack of memory cannot be used to his advantage. We note that he described the 139g as "3 little packages", comments he later described as silly but we consider them relevant. It can be seen that there is an increase in quantity on each importation which we consider is not a coincidence but the product of increasing risk taking and greed for profit, so we set the quantity for the May importation at 50g.

The Prosecution cannot give an amount for Mr Johnson's supplying but we see no reason not to treat him as involved with the same amounts as the importers, based on the content of the messages. We take the following quantities for the following Defendants:

- The April Importation which is Mr Jenkins, Miss O'Connor and Mr Johnson – 30g
- The May Importation which is Mr Jenkins and Mr Johnson – 50g
- The July Importation which is Mr Jenkins, Miss O'Connor and Mr Johnson – 100g
- The August Importation which is Mr Jenkins, Miss O'Connor and Mr Guilbert – 221g

### Role

In our judgement, having listened to everything that was said, Mr Jenkins was fully involved in all 4 importations and the distribution that followed (or would have followed in the August Importation had it not been intercepted). Mr Guilbert was fully involved in the August Importation. Miss O'Connor was fully involved in the 3 physical importations (not the May Importation) but not in the distribution. Mr Johnson was fully involved in the distribution of the drugs imported in April, May and July (not August) but he is charged with supplying not importing and that has an impact in terms of the aggravating factor of internal concealment which is present for the others but not for him, although he knew that that was happening.

Whilst Mr Jenkins, Miss O'Connor and Mr Guilbert all accept that they were involved in a commercial operation for financial gain, Mr Johnson asserted that he made no financial profit. This had been raised as a preliminary issue and adjudged to be a reverse Newton situation so the procedure was for Advocate Steel on Mr Johnson's behalf to make submissions then we would retire to decide if we accepted them and if we did not, whether we considered the issue material to sentence. Depending on our answer Mr Johnson and his Advocate would have to decide whether he should give evidence.

Advocate Steel sought to persuade us that Mr Johnson's role was a limited one, just connecting Mr Jenkins and the end users, that payments were sometimes directly to Mr Jenkins, that the messages disclose no financial gain (noting especially the message from Mr Jenkins to Mr Johnson "*I paid you 25 to move it*" means 25g of ketamine not £25) and an absence of any evidence from Prosecution of financial gain. It was said that the motivation for Mr Johnson was the receipt of unspecified amounts of ketamine for his own use and a certain kudos in being able to obtain the drug for others. The Prosecution say that it is irrational to take such a risk (referring to the penalties) if not for financial gain to which Advocate Steel responded that it must not be forgotten that Mr Johnson was under the influence of ketamine at the time and that the value of the ketamine received can be seen as an adequate reward. We retired to consider the question of financial reward. Despite Advocate Steel's representations to the contrary, we were satisfied that Mr Johnson was the man on the ground in the April, May and July importations, the middle man between the importer and customers in Guernsey. We cannot determine if they were end users. It was said that Mr Guilbert took over from Mr Johnson. Mr Guilbert was clearly not an end user but was buying in bulk. We could see that Mr Johnson was not buying in bulk in the same way and Mr Jenkins wanted to change the arrangement anyway but we are not satisfied that Mr Johnson was always selling directly to the end user. We reject the assertion of no financial gain. We concluded that, based on what we had heard, Mr Johnson had made a benefit in the sense of a financial gain, even on his account, through receipt of the drugs. We were unable to quantify that gain as he did not tell us how much he had received. Additionally he was receiving money for drugs into his bank account. It matters not that this was said to be to repay a debt to him. We rejected as incredible

the suggestion that he would risk what he knew would be a harsh sentence just for receipt of some drugs and kudos. In terms of the messages, we were not convinced that two of the messages should be interpreted as excluding evidence of financial gain. In addition to the message about being “paid” 25 there is the message above it “then 4 at de la rue which ppl transferred to me for bc us said to do that before the game to clear what you owe me”. We concluded that these messages did not necessarily exclude the possibility of additional money passing hands. All that said, and having by then listened to all the mitigation on behalf of all four Defendants on the drugs matter, Mr Johnson’s role as middle man is clear in terms of his involvement in the operation but we did not consider that identifying any financial gain in terms of any additional specific amount would materially affect sentence. Advocate Steel took instructions at that point as to whether his client wished to pursue the matter further and reported that, in view of the Court’s position, he did not wish to give evidence at the hearing but he said that it was not accepted that Mr Johnson had made any financial gain and that he reserved the right to revisit the matter at any Drug Trafficking hearing. We make no comment on that.

### Street Price

The Prosecution case is that, based on evidence from their expert Mr Smith, the street price is £17,680 to £22,100 for the August importation of ketamine based on £80 to £100 per g. This is disputed by Advocate Newell for Mr Jenkins who said that the street value should be calculated from the amounts stated in the message to have been paid which is around £50 per gram, or arguably less if the proposed payment of £9,000 for the August importation is factored in. Part of her submission was an assertion, in common with that made by Mr Johnson, that he was making no financial gain so the prices he is giving are the prices to the end user. Counsel for the other Defendants adopted her submissions. Mr Smith had been asked to consider this point and he filed a second report. His position is that he accepts what the Defendants say they were selling for but stands by his street valuation for the average price in Guernsey. In our view, there is no clear evidence that the prices given by the Defendants represent the end user price or provide reliable evidence to counter Mr Smith’s expert evidence. The prices the Defendants agreed reflect their financial and other needs at the time. This Court has consistently used the average street value given by the Prosecution and we do not intend to depart from that in this case. We stress, that in sentencing these Defendants, and generally, our focus is quantity and role not street price.

Within the papers are references to purity. We do not consider that this is a case where purity falls to be considered under the relevant paragraph of Richards.

Under Richards, for cannabis, the applicable band if the cannabis guideline is used for Mr Jenkins who has been involved with the highest quantity of 400g and for Mr Johnson who has been involved in the lowest quantity (180g) would be 0-2kg with a starting point of 3 to 6 years.

By comparison, under the Grunte guidelines the starting point would be 2/3 of the Class A starting point for Mr Jenkins of 250 to 400g which would be 11 to 14 years reduced to 7 to 9 years (in round terms) and for Mr Johnson 2/3 of the starting point for 100 to 250g which would be 10 to 13 years reducing to 7 to 8 ½ years (in round terms).

The evidence in Mr Smith’s report, which was unchallenged, is that ketamine is not an amphetamine. It is a more potent and dangerous drug and we would be justified in taking a higher starting point than that for amphetamine. Mindful of the caveat that the English Sentencing Guidelines are based on science we have not seen and on policies which are not necessarily to be equated with sentencing policy in Guernsey, we note that in the English Sentencing Guidelines there are helpful tables with suggested ratios of cannabis to amphetamine to ketamine for sentencing. The guideline is S1 23.3 for fraudulent evasion and S1 23.21 for supplying. From those tables, 6kg cannabis is in the same bracket as 750g of amphetamine and 150g of ketamine and 100g cannabis is in same bracket as 20g amphetamine and 5g ketamine which confirms the view that ketamine is a more potent than amphetamine and a much more potent drug than cannabis. There is, however, no common ratio across the brackets in English

Sentencing Guidelines. The point is made in the English Sentencing Guidelines guidance that no precise calculation is possible. As Advocate Steel is fond of quoting from Richards, sentencing for drugs is “an art not a science” but we have to fix a starting point from somewhere.

We reject, without hesitation, the suggestion that we should sentence ketamine as if it were cannabis. It is a much more potent and dangerous drug. It is not an amphetamine or, in our view, similar to it, so the Grunte guidelines per se do not apply but we keep them in mind as they relate to a Class B powder so are more relevant than the cannabis bands. We agree entirely that we have insufficient scientific evidence to embark on setting guidelines for ketamine and the Court of Appeal in paragraph 13 of Richards makes it clear that this is a matter for the legislature anyway. That leaves us back with the general principles under Richards and we will use the flexibility afforded to us by that case to achieve what we consider to be a fair and proportionate outcome.

#### Quantities for each Defendant

- Mr Jenkins - 400 which is 30+50+100+221
- Miss O'Connor - 350 which is 30+100+221
- Mr Johnson - 180 which is 30+50+100
- Mr Guilbert - 221

which, factoring in their respective roles, lead to these starting points before aggravating and mitigating factors are considered:

- Mr Jenkins – 8 years
- Miss O'Connor – 7 years
- Mr Johnson – 6 years
- Mr Guilbert – 7 years

The aggravating and mitigating factors are different for each defendant. There are some factors which are common to Mr Jenkins and Miss O'Connor, as follows:

- more than one importation;
- internal concealment with the associated resources and unpleasant work for Guernsey Border Agency when detected;
- the offences committed whilst they were subject to Suspended Sentence Orders;
- mitigating factor that they supplied their passcodes which led to the arrest and prosecution of Mr Johnson and Mr Guilbert; and
- in the case of Mr Jenkins only, his general poor record and, in particular, his relevant previous conviction for Class A drugs.

In relation to Mr Johnson, the factors are as follows:

- aggravating factors – 3 offences.
- mitigating factor – pulled out of the operation voluntarily.

In relation to Mr Guilbert, the factors are as follows:

- was associated as part of the joint enterprise with the internal concealment.
- there was just one importation.

In respect of all of the Defendants, it could be said that this is not the most sophisticated operation but nonetheless there is a level of planning involving a number of persons. Having taken into account all

of that, we set the Revised Starting points before consideration of plea and personal mitigation as follows:

- Mr Jenkins – 11 years
- Miss O'Connor – 8 years
- Mr Johnson - 6½ years
- Mr Guilbert - 7 years

### **RIPL Offences**

The Guernsey Court of Appeal in Barras, Watt and Orchard considered the sentencing in respect of RIPL offences and made four observations which are now well-known:

- First failing to make the disclosure required by a notice issued under section 46 of RIPL is a serious matter which will almost invariably call for an immediate custodial sentence;
- secondly, the sentencing court is entitled to proceed on the basis that the failure to provide access is motivated by a desire to hide something either to protect others involved in criminal activity or to conceal the accused's own more extensive criminality;
- thirdly, deterrence is an important aspect of sentencing in this context; and
- fourthly, the appropriate sentence will, of course, depend on the particular circumstances of the case.

In respect of the RIPL offences we are satisfied that both Mr Johnson and Mr Guilbert withheld the passcodes to hide the evidence of the offending. These offences are sentenced separately and the sentences are consecutive. We take a starting point of 2 years. For Mr Guilbert there is the aggravating factor that he has a previous conviction for a RIPL offence so we increase his starting point to 3 years. In respect of Mr Johnson there are three offences committed at the same time and we do note some overlap of devices. We will make the three sentences for those offences concurrent. It is no mitigation that officers were able to gain access to one of Mr Johnson's devices as access was limited, so it cannot be said that nothing was found. It was clear that Mr Johnson had considered and decided not to comply.

The revised starting points are:

- Mr Guilbert - 3 years
- Mr Johnson - 4 years

### **GBH**

There are no sentencing guidelines for GBH so we apply general principles in the Guernsey context with an eye on English Sentencing Guidelines which are always useful in terms of aggravating and mitigating factors. We take a starting point of 2 years.

In terms of aggravating and mitigating factors, these offences were committed whilst Mr Guilbert was on bail regarding the drugs and RIPL offences, it was a serious punch which did serious harm and he was under the influence of alcohol but, balanced against those aggravating factors, the offence was a spontaneous one, it was not planned and it was a single blow. Taking all that into account, we revise the starting point to 3 years.

In respect of all these Defendants we have already had an eye on totality and we keep an eye on totality later in the sentencing exercise.

## **Mitigation**

### Plea

The court must first consider the impact of your guilty pleas on sentence and we afford you all full credit for your guilty pleas to all offences.

### Personal Mitigation

The Court has considered carefully the informative Social Enquiry Reports prepared in respect of each of you. We have also listened to the considered submissions of your Advocates. The court appreciated the efforts of the Defence counsel to coordinate their submissions and, thus, save court time.

We have carefully considered all the materials provided for each of you in terms of letters from you and many others which all attest to your good work ethics, kindness to others and many fine qualities each of you is said to possess.

### **Mr Jenkins**

We note the issues with ADHD and impulsivity, addiction, chaotic lifestyle and substance abuse from an early age, also the sequence of losses and challenging events in your early life and later traumatic events leading up to the offending which forms the backdrop to it. We note that your addiction is described as uncontrollable and you say that you understand the damage and misery that drug use causes. Nonetheless, despite your difficulties, it is to your credit that you have managed to pursue education to university level.

We note your caring role for your grandparents, the impact of your separation from them and their separation from you. We note your key place in the family and your fund raising whilst in prison. You are a hard worker and have potential to excel as a chef.

You were candid with the Report Writer about your past and the financial motivation for taking what you describe as a calculated risk, albeit you said that you thought it was a Class C drug (which is irrelevant) and without knowing the likely penalties. You have taken full responsibility for offending and we note your apology. Mr Jenkins, as you yourself said, sadly you have not learned from your previous time in prison for drugs offences. To your credit, you are making the most of your time in prison this time. You are assessed as having a high risk of general re-offending which we take into account.

### **Miss O'Connor**

You have previous convictions but none for drugs. We note the real adversity and challenges you have faced as a young teenager and later and your mental health issues. We note your use of drugs and alcohol as a coping mechanism which needs to be addressed. You have now got a diagnosis of ADHD which means that you are impulsive, and it impacts on consequential thinking. We note that you are a carer for your brother and your absence is said to be having an impact on him. You were also candid with the Report Writer about your financial and personal motivation for offending. You are also a hard worker who is talented and respected in your work. You are remorseful and ashamed and you have not sought to minimise role or evade responsibility. You understand the impact of drug offending. You

are using your time in prison constructively. You are assessed as having a medium risk of general re-offending which we take into account.

### **Mr Guilbert**

Your age is important mitigating factor to which Report Writer mostly attributes your offending. Whilst none of the statutory requirements for sentencing young people apply to you, you are still young and we take full account of the principles applicable to sentencing young people. We look at your age in terms of your maturity and we take into account that a sentence of imprisonment will seem longer to you.

We note your substance abuse from a young age. We note also the content of your mother's letter which shines a light on your early years. To your credit, in view of your education history, you are pursuing your apprenticeship even though you had lost your job and you are showing aptitude as is evident from the glowing references. You have real potential in this trade. You were open with the Report Writer that the drug offending was for personal gain or greed but you have a limited grasp of the impact of drugs on the community, at your age.

In terms of the RIPL offence you said last time that there would not be a repeat and here we are, but we note that the last appearance was the catalyst for your doing so well with your apprenticeship.

Regarding the GBH, there is a concern as to why you acted as you did, it was a wholly disproportionate response to whatever was said. You were subject to retaliatory assault. You have shown remorse from earliest stage when shown the CCTV of the GBH you were mortified. Your insight into the impact on your victim is limited.

In respect of all the offending, it is said that you appear to be minimising the seriousness but the Report Writer makes the point fairly that you are still immature and that you can turn things around, demonstrated by how you have pursued the apprenticeship. It is important that you keep on pushing forward to a better life.

You are assessed as having a medium risk of re-offending and high risk of serious harm to the public which we must take into account. In view of the sentence to be passed you will become a MAPPA subject

### **Mr Johnson**

The most important piece of mitigation for you is that you have no previous convictions and we also note your work for the community. Educationally and at work you have excelled and been able to establish a successful business.

You have also had and still have your challenges in life including family illness and your mental health. Your recreational drug use turned to self-medication when at University which stopped then re-started. We are as perplexed as the Report Writer as to how you have come to be involved in drug offending of this seriousness when you had so much going for you and so much to lose in terms of your business, sport, music, friends and life generally. We note the diagnosis of ADHD which may have some relevance. It is accepted that you have behaved out of character. You accept full responsibility for your actions. The Report Writer described you as remorseful and insightful (that is borne out by your letter) but that you need to gain the insight to become drug-free. To your credit, you have voluntarily sought help. You are assessed as having a low likelihood of re-offending which we take into account.

We note that there is a request for a drug trafficking investigation in respect of each of you.

## **Sentence**

The Sentencing guidelines for importation of drugs and RIPL are clear. This community does not want these sorts of offence, nor does it want to see instances of unprovoked violence like that we saw on the CCTV. Such conduct must be punished and others deterred.

There is no doubt that the custody threshold is long passed for all of your offending and in view of the length of sentence which the Court has in mind, alternatives to immediate custody cannot be considered. In sentencing you we have taken into account the totality principle. We have also taken into account the time served on remand re Mr Jenkins and Miss O'Connor.

The importation of drugs into Guernsey and their supply to members of our community causes what has been described by one of you as "*damage and misery*" directly to those supplied and to their families and it fuels other crimes on the island. It must be punished and others deterred. Immediate prison sentences are inevitable. From what we have seen and read you are all capable young people who have been blown off course by drug use and addiction. It is said of all of you that what you have done is not a reflection of who you are, or who you can be. You cannot change what you have done but you owe it to yourselves and those who have taken the trouble to write to support you to make sure that you all work to becoming the people that you can be.

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

### **First Indictment**

#### **DRUGS AND RIPL OFFENCES**

##### **Count 1** (August Importation):

- Mr Jenkins – 6 years and 6 months
- Miss O'Connor – 4 years and 10 months
- Mr Guilbert – 3 years and 6 months

##### **Count 3** (April Importation):

- Mr Jenkins – 2 years concurrent with Count 1
- Miss O'Connor – 18 months concurrent with Count 1

##### **Count 4** (May Importation which relates only to Mr Jenkins):

- Mr Jenkins – 3 years, concurrent with Count 1

##### **Count 5** (July Importation):

- Mr Jenkins – 5 years, concurrent with Count 1
- Miss O'Connor - 3½ years, concurrent with Count 1

##### **Count 6** (Supplying which relates only to Mr Johnson):

- Mr Johnson – 3 years and 3 months

### **RIPL Offences**

**Count 2** (relating to Mr Guilbert only):

- Mr Guilbert – 18 months, consecutive to Count 1

**Count 7, 8 and 9** (relating to Mr Johnson only):

- Mr Johnson – 2 years on each of those Counts, concurrent with each other but consecutive to Count 6.

### **Second Indictment**

**Count 1** GBH (relating to Mr Guilbert only):

- Mr Guilbert – 18 months, consecutive to the Indictment 1 sentences above.

### **Total sentences of imprisonment:**

- **Mr Jenkins – 6 years and 6 months from 31 August 2024**
- **Miss O'Connor – 4 years and 10 months from 31 August 2024**
- **Mr Guilbert – 6 years and 6 months from today – 16 May 2025**
- **Mr Johnson – 5 years and 3 months from today – 16 May 2025**

In accordance with section one of the Criminal Justice Supervision of Offenders (Bailiwick of Guernsey) Law, 2004 upon release (or completion of any parole 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, 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 devices, the details of which are set out in the Prosecution outline at page 17 with the approximate appropriate values for each of them, are also granted, the Court having considered the likely effects on you of forfeiture and having been satisfied that the devices relate to the offending.

The Crown's application pursuant to section 26 of the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974, as amended, which was also not opposed, for the forfeiture and destruction of the Ketamine, the subject matter of the drugs offences lawfully seized is also granted and the details of that are set in the Prosecution table at page 16.

It is note-worthy that the Border Agency maintained their suspicions of Mr Jenkins and Miss O'Connor even when initial searches proved negative. Without their perseverance and careful approach, all of these crimes would have gone undetected. We also wanted to wish the GBH victim a speedy recovery.

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

**16<sup>th</sup> May 2025**