

Sentencing remarks regarding being knowingly concerned in the fraudulent evasion of the prohibition on importation of goods namely Cannabis, 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.

**[2025]GRC041**

**ROYAL COURT  
FULL COURT**

**19 May 2025**

**Before: Catherine Maureen Fooks, Judge of the Royal Court  
and Jurats: Steven John Morris, David John Robilliard MBE,  
Stuart Michael Crisp, Paul Martin Burnard, Heather Reed,  
Simon Ernest Bodkin and Kay Parnwell.**

**THE LAW OFFICERS OF THE CROWN**

**- v -**

**COLIN JOHN PHILPOTT**

**Advocate J D McVeigh appeared for the Crown**

**Advocate N Newell appeared for the Defendant**

**JUDGE OF THE ROYAL COURT:**

**Background**

Mr Philpott, you have pleaded guilty to one count of being knowingly concerned between 1-10 December 2024 in the fraudulent evasion of the prohibition on importation of goods namely Cannabis, 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 maximum penalty is 21 years' imprisonment or an unlimited fine.

The facts are that on 10 December 2024, a postal package, sent by special delivery and addressed to you at a local hotel, was intercepted and found to contain two plastic jars containing 27.87g Cannabis. You had travelled to Guernsey with another person for work here on 1 December 2024 and were due to depart on 11 December 2024. You were duly arrested and your phone seized. You were interviewed twice, you denied any knowledge of the package and that you had been asking hotel staff if it had arrived, when you clearly had been, as well as giving directions about it should it arrive after you had left Guernsey. You claimed to have been set up. You have since admitted arranging for the package to be sent to you and that you lied at that interview. You are a 31 year old Englishman, in a settled relationship, co-habiting, with children and you work as an air hygiene technician. You have one previous conviction for an unrelated offence when you were a juvenile and we are able to treat you as effectively a person with no previous convictions.

You have been on conditional bail throughout the proceedings and have travelled to Guernsey for the necessary hearings including today's.

### **Sentencing Considerations**

The sentencing guidelines applicable to offences involving the importation of drugs are contained in the case of Richards, re-affirmed as current and appropriate by the Guernsey Court of Appeal in Barras, Watt and Orchard v Law Officers 2021 GCA045. This Court will continue to follow those guidelines. The quantity of cannabis falls within and towards the lower end of the 3-6 years band in Richards.

We accept that you committed the offence to secure cannabis for your personal use and not for financial gain. We set the initial starting point before aggravating and mitigating factors at 3 years, which we aggravate to 3½ years on account of the postal importation.

### **Mitigation**

#### Plea

We afford you full credit for your guilty plea.

#### Personal Mitigation

The Court has considered carefully the helpful Social Enquiry Report prepared in respect of you and the helpful submissions of your Advocate. We have also carefully considered all the materials provided on your behalf.

We note that your motivation for this offence was to secure cannabis to self-medicate for anxiety and depression from which you suffer for a number of reasons including the sudden deaths of both of your parents within a short time-frame and the stresses of your family life. Since the offence you have sought help from your GP and are ready to engage in therapy to address your issues. You are not assessed as requiring any compulsory intervention.

Despite your difficulties with education, you gained qualifications and have a good work ethic – you are described as hardworking and trustworthy by your current employer. You have said that your job is at risk if you are imprisoned and possibly, in any event, because of the conviction in view of the type of work that you do. You are a family man with a supportive partner and employer. Your family finances have already been impacted negatively by your offending. You are remorseful and ashamed of your behaviour and you acknowledge that it was a serious error of judgement with serious consequences. We note that you gave your passcode to your phone which assisted the investigation which is to your credit.

In accordance with the case of Bourgaize v the Law Officers of the Crown 2014 (Jmt 49), the Court is required specifically to consider the Article 8 rights of the minor children and your partner affected by your being imprisoned as well as you yourself. There are three questions to be considered:

- Is there an interference with family life?
- Is it in accordance with law and in pursuit of a legitimate aim within Article 8.2?
- Is the interference proportionate given the balance between the various factors?

A sentence of imprisonment by definition interferes with family life. The imposition of a sentence of imprisonment for a serious criminal offence is in accordance with law and in pursuit of a legitimate aim within Article 8.2. Parents who commit serious offences face prison like everyone else. The issue for this Court is always whether the imposition of an immediate custodial sentence would be a proportionate interference with family life given the balance between the various factors.

In your case, you are a family man with a long-term partner and two young children, the younger of whom has additional care needs, (confirmed by the letter from your partner and a letter from the child's school). That care is provided by you and your partner jointly, juggling your respective working hours. It is said that, were you to be imprisoned, your partner would struggle to provide that care alone and that she and both your children, but especially the younger one, would be adversely affected emotionally and in terms of the family's finances, which are tight already.

You are assessed as having a medium likelihood of general re-offending and a low risk of serious harm to the public.

We note that there is no request for a drug trafficking investigation in respect of you.

### **Sentence**

Offences of importation of drugs into Guernsey are treated seriously and pass the custody threshold. Offenders must be punished and others deterred. In your case we are urged to consider alternatives to immediate custody (specifically a suspended sentence or Community Service Order), in view of the negative impact on your family were you to be imprisoned and the disruption to your work, accommodation, support network and steps you are taking to address your issues.

You are not local and have no right to remain in Guernsey, but we are told that arrangements can be made for you to complete a Community Service Order in England with the assistance of the local Probation Service, reporting to the Guernsey Probation Service, but the Court has to take account the difficulty of dealing with any breach as you are not locally resident, although it is possible for a warrant to be issued to secure your return to Guernsey.

The Court has considered these matters carefully and carried out the balancing exercise required by Bourgaize in terms of the legitimate aims of sentencing versus the impact on your family in your particular and special circumstances. In those circumstances the Court is able to impose an alternative to immediate custody.

Taking into account all that has been said and written and applying the appropriate discounts and principles, the sentence will be as follows: 240 hours of Community Service, as a direct alternative to 21 months.

There is no evidence to support a reduction in the hours based on the impact on your family. This Order is being made because of the seriousness of the offence for which you have been convicted. You are therefore being offered an opportunity to make a positive contribution to the community, albeit not this one, through unpaid work.

We note that you are willing to be made subject to and understand the nature and effect of a Community Service Order, the power of this Court to review the Order and the consequences that may follow if you fail to comply with any of the requirements of the Order, or if you are convicted of a further offence while the Order is in force. The Court is satisfied that provision can be made for you to perform work and that you are a suitable person to perform work.

Please note this Mr Philpott - if you fail to complete even one hour without a medical certificate, or commit any other offence, you will be brought back before this Court and you will face going to prison.

### **Sentence**

Your Advocate has rightly described your decision to import Cannabis into Guernsey as incredibly mis-judged. You are walking out of Court today primarily because of the impact on your family of an

immediate custodial sentence. This is your chance to do what is necessary to achieve your stated goal of coming out of this experience as a better and stronger person.

**Forfeiture and destruction under s 26 Misuse of Drugs (Bailiwick of Guernsey) Law 1974 as amended**

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 cannabis and package which were lawfully seized and relate to the offence is also granted.

The sentence is one of:

- a Community Service Order for 240 hours as a direct alternative to 21 months' imprisonment; and
- the Forfeiture and Destruction of the drugs and package.

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

**19 May 2025**