



IN THE MAGISTRATES COURT OF THE FALKLAND ISLANDS

MC/CRIM/04/26

Sentencing hearing: 25th May 2026

Before

HIS HONOUR JUDGE MALCOLM SIMMONS

BETWEEN:

REX

V

IOAN ROBERTS

MR. STUART WALKER, Senior Crown Counsel, appeared for the Prosecution

MRS. LAURA CLARKE of Waverley Law appeared for the defendant

SENTENCING REMARKS

1. You appear before this court today for sentencing, having been convicted before the Summary Court on 11th February 2026 on the following count:

Between the 23rd day of February 2025 and the 14th day of March 2025, together with Marco Leyton and Brayan Romero, in relation to a class A controlled drug, namely tetrahydrocannabinol (THC), a cannabinol derivative, you were knowingly concerned in the fraudulent evasion of the prohibition on importation imposed by section 3(1) of the Misuse of Drugs Ordinance 1987, an offence under section 43(3) of the Customs Ordinance 2003.

2. Having been convicted of that offence, you were committed to this Court for sentencing.

Maximum Sentences

3. The maximum sentence on conviction for an offence under section 43(3) of the Customs Ordinance 2003 is 14 years imprisonment and/or a fine not exceeding level 10 on the standard scale.

Sentencing Guidelines

4. The Overarching Sentencing Guidelines are applicable to sentencing.
5. The offence-specific sentencing guidelines are the 'Fraudulent Evasion of a Prohibition by Bringing into or taking out of the UK a Controlled Drug'.

Offending

6. You were arrested on 5th June 2025 on suspicion of being concerned in the importation of tetrahydrocannabinol ("THC").
7. THC is a class A controlled drug under the Misuse of Drugs Ordinance 1987, and the Schedules thereto.
8. Following your arrest, mobile devices found in your possession and in the possession of your co-defendants were examined and it was discovered that you, together with Marco Leyton and Brayan Romero had conspired to import THC into the Falkland Islands. Specifically, telephone messages revealed that arrangements for the importation of THC had been made during February and March 2025 with the importation occurring on 11th March 2025.
9. At the time of your offending, you were working at Stanley Leisure Centre with a co-defendant, Marco Leyton. On 15th February 2025, you and Leyton exchanged messages on WhatsApp in which you referred to "liquid" and "huff". You told police that the word "liquid" referred to THC, while the term "huffing" was used to refer to solvent abuse using compressed spray cannisters.
10. On 24th February 2025, you sent a message to Leyton in which you stated: "800 for a litre" and "2 litres 1400". I am sure that you were referring to the purchase prices for different quantities of liquid THC.

11. Leyton responded, stating *"yeah I mention it to them, brayan said he will have a think about it"*. "[B]rayan" was a reference to Brayan Romero. He was due to travel to the United Kingdom on 28th February 2025.
12. On 26th February 2025, you sent a message to another man in which you stated: *"Liquid in 3 weeks will need around £200 each me u Andrew for 500ml of liquid"*. In a subsequent message you stated: *"someone bring down for me in 3 weeks"*.
13. It is clear from the exchange of messages that you were pooling resources with others to purchase THC.
14. On 27th February 2025 Leyton sent you a message in which he referred to "brayan" leaving the next day and that he would transfer money to your bank account. The following day you gave Leyton your UK bank details. On 1st March 2025, Romero transferred to your account the sum of £400.
15. On 3rd March 2025, you sent a message to Leyton in which you stated "Brayans address again please check". Leyton responded: *"Unit 2, Oxford Technology Park, Technology Drive, Kidlington, OX5 1GN, England"*. That is the address of a Premier Inn in Oxfordshire near to RAF Brize Norton.
16. On 3rd March 2025, you discussed with another person how the liquid THC would be split between those who were party to the scheme. On 4th March 2025, that person made a transfer of £130 to your UK bank account.
17. On 4th March 2025 Leyton sent you a message stating: *"Brayan is asking when will the things arrive to his?"*
18. On 4th March 2025 you transferred from your UK bank account the sum of £750, being payment for 1 litre of THC.
19. On 11th March 2025, Romero returned to the Falkland Islands on the South Atlantic Airbridge. He carried with him 1 litre of THC. On the same day, one of the other persons with whom you had pooled resources to purchase the THC, sent you a message which stated *"Did the liquid arrive? I want to smoke"*. You responded: *"just whenever the guy gives it me bro", "he gets here today"*. You went on to say that you would distribute the liquid in four bottles.

20. It appears you also kept a journal of your possession and use of THC. An entry for 14th March 2025 stated “*got a whole load new THC liquid...*”
21. A journal note on your mobile phone dated 21st January 2025 records: “*500ml...Below 10 bottles £40 each...Over 10 bottles £30 each...Felipe 10 - £300...Andrew 4 - £160...Marco 10 - £300*”. I am sure this was reference to quantities of liquid THC and the cost of purchase split between different parties.

Sentencing

22. Liquid THC falls within the definition of a Class A drug in Part 1 to the Schedule to the Misuse of Drugs Ordinance 1987.
23. This was an arrangement between individual users of THC to pool their resources in order to obtain a quantity of the drug for their personal use. There is no evidence the drug would be sold on or distributed to others who were not party to the arrangement. There is no evidence you made any financial gain.
24. I am sure that you were at the centre of this criminal enterprise. You collected the money and arranged the purchase and delivery of the drug with the dealer in the United Kingdom. When the drug arrived in the Falkland Islands, you collected it from Romero and distributed it.
25. In terms of culpability, I am sure that your role was significant. Without your management of the operation, the bid to import the drug could not have succeeded.
26. Turning to harm, you were party to a scheme to import 1 litre of liquid THC into the Falkland Islands. There is no evidence as to the chemical make-up or purity of the drug. In terms of quantity, I recognise that accurate measurement depends on the density of the liquid, thereby converting volume to mass. The liquid was not available and, therefore, a precise calculation was not possible. Even calling expert evidence would not, in my view, have assisted. I have taken that into account in sentencing. The guideline refers to indicative quantities. Category 4 harm refers to 100g of Cannabis while Category 3 harm refers to 6kg of cannabis. Therefore, while category 4 refers to small quantities of a drug at the level of personal use, category 3 covers larger quantities sometimes associated with lower level supply. The quantity of THC in this case exceeds Category 4 but does not reach the indicative quantities to which reference is made in Category 3, instead falling somewhere inbetween.
27. Significant role, category 4 harm has a starting point of 3 years imprisonment with a category range of 18 months imprisonment to 5 years imprisonment. Significant role, category 3 harm

has a starting point of 6 years imprisonment with a category range of 5 years imprisonment to 7 years imprisonment. Comparing categories 3 and 4, sentencing powers increase relevant to the identified harm.

28. I have carefully considered all factors relevant to culpability and harm, the nature of this enterprise and your role within it. None of the statutory or other aggravating features relevant to sentencing are present in this case. Having balanced the various factors of Category 4 and Category 3, and before consideration of your mitigation and early guilty plea, the appropriate sentence is one of 4 years imprisonment.

Pre-Sentence Report

29. I have received a pre-sentence report dated 18th March 2026 from the Probation Service for which I thank the Probation Officer.
30. You were born on 3rd June 2003 . You were 21 years of age at the time of your offending. You are now 22 years of age. Prior to your arrest, you were residing at the YMCA in Stanley.
31. At the time of your offending you were employed at the Stanley Leisure Centre. That employment has been terminated. Working at the Leisure Centre was something that you enjoyed, particularly given that, as I understand it, you were a promising athlete.
32. I recognise that, following your conviction, you may find it difficult to find employment.
33. You are assessed by the Probation Service as posing a low risk of serious harm and a low to medium risk of further offending.
34. You have previous convictions for assaulting an emergency worker in 2025 and driving whilst unfit in 2022, for which you received fines in both cases. These are recent convictions although of a different nature to your current offending. I have disregarded those convictions when sentencing.
35. You told the probation officer that you took full responsibility for your actions. You have expressed a willingness to engage in rehabilitation. You made admissions to police and entered a guilty plea at the first opportunity and I have given the full discount.
36. I understand that your family and friends continue to be supportive.

Sentencing

37. I have had the benefit of a sentencing note from Mr. Walker for which I am grateful. I have listened very carefully to submissions of Mr. Walker and Mrs. Clarke. I have taken into account everything said on your behalf by Mrs. Clarke. I have also considered carefully the Pre-Sentence Report.
38. I have considered the guidelines as to the imposition of a custodial sentence and whether it might be possible to suspend the sentence that I impose. The importation of Class A drugs into the Falkland Islands is a serious offence and the length of the sentence must reflect that. I am satisfied that your offending is so serious that only an immediate custodial sentence is appropriate.
39. I recognise that the impact of a custodial sentence will be significant. I have taken into account the obvious impact of a custodial sentence upon your family.
40. I have taken into account your mitigation and I have given the full discount for your early guilty plea, arriving at a sentence that is just and proportionate.

SENTENCE

41. The starting point on conviction after trial would have been 4 years imprisonment. Having regard to your mitigation and early guilty plea, I reduce that to 2 years and 8 months imprisonment.
42. In accordance with section 563 of the Criminal Procedure and Evidence Ordinance 2014, you will be given credit for the time that you have spent on remand and in police detention.
43. Because of the immediate custodial sentence I am not making an order that you pay prosecution costs.
44. I am not making a compensation order.