



IN THE MAGISTRATES COURT OF THE FALKLAND ISLANDS

MC/CRIM/03/26

Sentencing hearing: 6th July 2026

Before

HIS HONOUR JUDGE MALCOLM SIMMONS

BETWEEN:

REX

V

BRAYAN FRANCISCO ROMERO VARELA

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

MR. PHIL AXON appeared for the defendant (by video link)

The defendant was assisted by a translator

SENTENCING REMARKS

1. You appear before this court today for sentencing, having been convicted after trial that between the 23rd day of February 2025 and the 14th day of March 2025, together with Ioan Roberts and Marco Leyton, in relation to a class A controlled drug, namely tetrahydrocannabinol (THC), a cannabinol derivative, was 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.

Maximum Sentences

2. 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

3. The Overarching Sentencing Guidelines are applicable to sentencing.
4. 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

5. You were arrested on 18th June 2025 as part of a police operation into the importation of tetrahydrocannabinol ("THC"), a class A controlled drug.
6. Electronic devices in your possession and in the possession of your co-defendants were seized and examined. Messages and other communications revealed that you were party to an enterprise to import liquid THC into the Falkland Islands.
7. The arrangements for importation were made in February and March 2025 and the importation itself occurred on 11th March 2025.
8. On 24th February 2025, Roberts sent a message to Leyton in which he stated: "800 for a litre" and "2 litres 1400". I am sure that he was referring to the purchase prices for different quantities of liquid THC. Leyton responded, stating "yeah I mention it to them, brayan said he will have a think about it".
9. Given that at the time you were employed as a prison officer, there can be no doubt that you understood the seriousness of importing a Class A drug.
10. On 26th February 2025, Roberts sent a message to another man in which he stated: "Liquid in 3 weeks will need around £200 each me u Andrew for 500ml of liquid". In a subsequent message, he stated: "someone bring down for me in 3 weeks".

11. On 27th February 2025 Leyton sent Roberts a message in which he referred to “brayan” leaving the next day and that you would transfer money to a bank account operated by Roberts. You were due to travel to the United Kingdom on 28th February 2025.
12. The following day, Roberts gave Leyton his UK bank details. On 1st March 2025, you transferred to his bank account the sum of £400.
13. It is clear from the exchange of messages that you were pooling resources with others to purchase THC.
14. On 3rd March 2025, Roberts sent a message to Leyton in which he stated “Brayans address again please check”. Leyton responded: “Unit 2, Oxford Technology Park, Technology Drive, Kidlington, OX5 1GN, England”. That is the address of the Premier Inn in Oxfordshire where you were staying.
15. On 4th March 2025 Leyton sent a message to Roberts stating: “Brayan is asking when will the things arrive to his?”
16. On 4th March 2025 Roberts transferred from his UK bank account the sum of £750, being payment for 1 litre of THC.
17. The liquid THC was delivered to you at the Premier Inn between 4th and 6th March 2025.
18. On 11th March 2025, you returned to the Falkland Islands on the South Atlantic Airbridge. You carried in your luggage 1 litre of THC.

Sentencing

19. Liquid THC falls within the definition of a Class A drug in Part 1 to the Schedule to the Misuse of Drugs Ordinance 1987.
20. The Overarching Sentencing Guideline recognises that certain offences in the Falkland Islands have different maximum sentences to equivalent offences in England & Wales and provides some assistance to sentencing courts on how to approach such cases. However, this is not a case of the same offending being treated differently. The Legislature of the Falkland Islands has chosen to categorise THC as a Class A drug rather than follow England & Wales. The categorisation is different. Were I to sentence on the basis that THC is a Class B drug, I would be going behind

the will and intention of the Legislature. As I have stated when sentencing your co-defendants, that would be, in my view, the wrong approach.

21. This was an arrangement between individual users of THC to pool your resources in order to obtain a quantity of the drug for your 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 that you made any financial gain.
22. Couriers often perform a lesser role in offending such as this, which may be in the context of a larger commercial operation, acting purely under direction, with little influence in the supply chain and sometimes lacking understanding of the wider operation. However, your role was different. Not only were you the courier but you also made a significant financial contribution to the purchase of the THC. Without you, the enterprise would not have succeeded. In terms of culpability, I am sure that your role was significant.
23. 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. The liquid was not available and, therefore, a precise calculation was not possible. Even calling expert evidence would, in my view, not 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. 1 litre of the THC cost £750. 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.
24. 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.
25. 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, the appropriate sentence is one of 3 years and 9 months imprisonment.

Pre-Sentence Report

26. I have received a pre-sentence report dated 24th June 2026 from the Probation Service for which I thank the Probation Officer.
27. You were born on 17th March 1995. You were 29 years of age at the time of your offending. You are now 31 years of age.
28. I note from the Probation Officers report that you came to the Falkland Islands approximately twelve years ago, to work as a chef. You worked in the hospitality industry for three years before taking-up employment at the Stanley Leisure Centre. Having worked there for three years you joined the Prison Service as a Prison Officer. You have also established your own fitness studio.
29. Following your conviction, your employment with the Prison Service has been terminated and you have sold the gym into which you had invested money and energy. I recognise that you may find it difficult to find employment. You may also face deportation.
30. I have read character references of Eduardo Behrens, Damian Reid, Edson Salazar, Francisco Guajardo, Elle Jaffray, Gustavo Castillo, Joselyn Segovia Ojeda, Marie McLeod, Maria Denis, Phoebe Reid, Osama Chaudhary and Lucia Hernandez. These persons talk about your character, values and friendship. They attest to the contribution that you have made within the community. They describe how you have helped people within the community in terms of training, friendship and support. The person who appears in court this morning is very different to the person they have come to know. You were a respected member of the community, of exemplary character and someone who had built a successful life here on the Islands. This conviction has taken all of that away from you. You have no previous convictions or cautions. I have taken all of that into account in sentencing.
31. On my assessment, there is a medium risk of your further offending. You are assessed as posing a low risk of serious harm.
32. The offence of which you stand convicted is serious and the length of the maximum sentences must reflect that.
33. I understand that your family and friends continue to be supportive.

Sentencing

34. I have had the benefit of sentencing notes from Mr. Walker and Mr. Axon for which I am grateful. I have listened very carefully to their submissions. I have taken into account everything said on your behalf by Mr. Axon. I have also considered carefully the Pre-Sentence Report.
35. 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 a Class A drug is a serious offence and the sentence must reflect that. I am satisfied that your offending is so serious that only an immediate custodial sentence is appropriate.
36. I recognise that the impact of a custodial sentence will be significant, particularly as you were a prison officer. It appears to me that you have a support network on the Falkland Islands. I have taken into account the obvious impact of a custodial sentence upon your family.

SENTENCE

37. Taking into account your mitigation, the sentence I impose is 3 years imprisonment.
38. You will pay prosecution costs, that I assess in the sum of £750, to be paid within 14 days.
39. I am not making a compensation order.