

IN THE CENTRAL CRIMINAL COURT

R

v

Petko Zhutev (PZ)

Erik Muci (EM)

Olsi Ebeja (OE)

Gjergii Diko (GD)

Bruno Kuci (BK)

**Sentencing Comments**

HHJ Rebecca Trowler KC

03.12.24

1. The defendants may remain seated until I come to pass sentence.
2. PZ, EM, OE, GD and BK you all fall to be sentenced for the offence of being concerned in the evasion of the prohibition on the importation of cocaine on or before 18<sup>th</sup> February 2021. In these sentencing remarks I shall refer to that offence as the 'importation offence.'
3. EM and OE you were convicted of the importation offence by a jury. PZ, GD and BK, you all pleaded guilty albeit at different stages of the proceedings.
4. GD and BK you also fall to be sentenced for one offence of being in possession of a prohibited weapon, a firearm, and one offence of being in possession of ammunition without a certificate, on 18<sup>th</sup> February 2021. You both pleaded guilty to those offences.
5. EM you were also found guilty by the jury of being concerned in the supply of cocaine between 3<sup>rd</sup> January and 9<sup>th</sup> April 2021 and I must sentence you for that separate offence.

**Guidelines**

6. Before I outline the facts of these offences, I make it clear that in determining the appropriate sentences in each of your cases I have had regard to the Sentencing Council Guidelines in relation to the fraudulent evasion of a prohibition by bringing into the UK a controlled drug and, where they apply in one or more of your cases, the SC Guidelines in relation to supply and possession of a controlled drug with intent to supply, possession of prohibited weapons, possession of ammunition without a certificate, reduction in sentence for a guilty plea and totality.

### **Facts of the Importation Offence**

7. 2,330 blocks of cocaine, each weighing roughly 1 kg and with a total weight of 2796 kg, were imported into the UK on 13<sup>th</sup> Feb 2021, hidden in pallets of bananas that had been shipped from Columbia to Portsmouth. The cocaine had a wholesale value in excess of £90million, and a potential street value of at least £186m. At the time this was the largest inland seizure of cocaine in the UK. The consignment was intended for Agro Foods Ltd, a company registered as being in the business of the importation of fruit and vegetables, at the company's warehouse, Unit C9A ('the Unit'), on the Crispin Industrial Estate in north London, N18. Arrangements for delivery from Portsmouth to the Unit by road had been made with the transportation company Eagle Cargo Services.
8. The cocaine was discovered by the UK Border Force on 14<sup>th</sup> February during an inspection. Thereafter the National Crime Agency took control of the case, replaced the cocaine that had been hidden in 4 of 41 pallets with further bananas. The consignment was then delivered to the AF Unit on 18<sup>th</sup> February as planned, but the two lorries transporting the consignment were now driven by two undercover officers. Audio devices had been placed within the pallets that had contained the cocaine and the officers were also wearing such devices.

9. When the consignment of bananas arrived at the AF Unit on 18<sup>th</sup> February, PZ, GD and BK you were present at the Unit to receive and unload it. EM and OE you were both in the vicinity of the Unit during the unloading. I will return to the role that each of you 5 played in this importation in more detail shortly.
10. The bananas were unloaded and taken into the Unit. Once secured in the Unit the search for the cocaine began. During the search, significant parts of the conversation between you PZ and GD, and also you BK and GD, were recorded. Those recordings make it quite clear that you were all trying to identify the pallets which had contained the cocaine by reference to bar codes on the pallets.
11. As you continued the search, officers from both the National Crime Agency and the MPS, including firearms officers, entered the premises and you PZ, GD and BK were arrested. OE you were arrested nearby a little later. EM you left the area once the raid on the Unit began and your arrest did not come until 2023.
12. Within the Unit the officers discovered that four pallets of bananas were in various stages of deconstruction, there were numerous large cardboard boxes nearby and in storeroom were found eight large black suitcases that appeared new.
13. This importation was plainly the work of an organised crime group with international elements. This included what has been referred to as a Bulgarian side of which you, PZ, were a part, and an Albanian side, which included you EM, and also you OE, GD and BK. The extremely large quantities of cocaine involved, and the organisation required to bring such amounts into the UK from Columbia, demonstrate beyond doubt that this enterprise was both sophisticated in its planning and well resourced. This is demonstrated in particular by the fact that over the course of six weeks leading up to 18<sup>th</sup> February: the company Agro Foods Ltd was adapted to be used as a front company, including the hiring of the Unit as a warehouse

for the company; a new bank account was opened for AF into which monies required for the operation were transferred from another account which had received undocumented cash; specialist laminated glass was installed at the Unit to prevent others from seeing into it; specialist refrigeration equipment was installed at the Unit to give the impression that this was a genuine importation of bananas; fork lift equipment was hired for the unloading into the warehouse and a van was hired for the onward distribution of the cocaine. During the period various planning meetings took place at or around the Unit and at other locations and at least three specialist and likely encrypted Dutch SIM phones were used to try and prevent detection of the operation. In addition, arrangements were made for three further consignments of bananas, without cocaine, to be shipped by the same supplier to AF. Two of those consignments arrived into the UK on 4<sup>th</sup> Feb and 12<sup>th</sup> Feb, and were due to be transported by ECS to AF, the second of the two due to be delivered to the Unit. Both those consignments failed Defra Clearance due to poor condition and inadequate labelling. A third consignment arrived on 19<sup>th</sup> February. All three were plainly either dry runs intended to test the arrangements for the arrival of the cocaine and / or they were intended to provide a veneer of authenticity to AF as an importer of bananas from Colombia.

14. Against that background I turn to the SC Guideline for the fraudulent evasion of a prohibition by bringing into the UK a controlled drug. In cases where the amount of cocaine is as much as 5kg, the starting point for an offender who has played a leading role in the importation is one of 14 years within a range of 12-16 years imprisonment. For an offender who has played a significant role the starting point is 10 years imprisonment within a range of 9 to 12 years and the starting point for an offender who performed a lesser role is 8 years imprisonment within a range of 6-9 years. However, where the operation is on the most serious and commercial scale, involving a quantity of drugs significantly higher than 5kg, sentences of 20 years and above may be appropriate, depending on the offender's role. Both the Guideline and sentencing generally in such cases have been the subject of consideration and guidance given by the Court of Appeal. The net effect of those

authorities taken together is that: even in cases where the operation is on the most serious and commercial scale, the Guideline should be borne in mind as a valuable touchstone; in such cases, rather than adopting a formulaic approach, the sentencing judge must conduct an exercise of judgment to scale up the corresponding sentences for those performing leading, significant or lesser roles in such a way that fairly reflects not only the part played by the offender but also his comparative significance to the offending as a whole; save in cases involving extraordinary quantities like 2,000 to 3,000 kgs, there is a ceiling of about 30 years.

## **PZ**

15. Turning to you PZ in particular, you were a key organiser of the importation within the UK. You played a liaison role between the Bulgarian and Albanian sides of operation and you performed a central role in obtaining and preparing the Unit for the receipt of the cocaine.
16. In my view, in this way you played a leading role in this offence within the meaning of the SC Guideline in that you used a business as cover, you exercised substantial links to and influence on others in the operation chain, and, give the quantities and risk involved, there is an irresistible inference that you committed the offence in expectation of substantial financial or other advantage.
17. This is well demonstrated by the detail of what you did.
18. You became a director of AF at the end of December 2020. You came to the UK from Bulgaria on 2<sup>nd</sup> January 2021 and thereafter your involvement in the organising and planning of the importation continued over the following 6 weeks. You visited the landlord and secured the lease for the Unit which was in your name. You were present at the Unit on multiple occasions thereafter. You organised the installation of cold rooms at the Unit, the installation of the laminate and the rental of the forklift and pallet trucks. You also controlled the key bank accounts in the operation, you paid in sums of cash to the feeder account and you arranged the transfer of

monies from the AF to companies such as Eagle Cargo Services. On 16<sup>th</sup> February you received a Dutch sim phone which was later found in the Unit nearby to where you were arrested. On 18<sup>th</sup> February you dealt with the undercover officers posing as the drivers, you signed off on receipt of the consignment and you oversaw the unloading of the bananas, directing the movements of Mr. Kuci and Mr. Diko as they physically carried out the unloading. It was the evidence of both undercover officers that on that day you were acting in a supervisory role.

19. There were undoubtedly others above you in the chain. The evidence demonstrates that your contact known as AAA, with whom you communicated in messages in Bulgarian, recruited you into the operation, quite possibly as late as December 2020, and continued to give you directions and information throughout the following 6 weeks, including on 18<sup>th</sup> February when AAA sent you details such as the number of pallets you should expect to be delivered. Throughout the period you were reporting back to AAA whilst you bore the risk of detection, using as you did real name and genuine identity documents for the purposes of your role within AFs. There is also evidence to suggest that you did not have sole access to the company account or to the company email address in your name. I also note that there is no evidence before the court that you had available to you the resources to fund such an operation or links to the original source of the cocaine and I proceed on basis that you had neither. None of that changes the fact that you were plainly in a leading role within the meaning of the Guideline, but equally I accept that others were above you in these ways.

20. I must consider whether in your case to take a starting point of in excess of 30 years. Given the very clear evidence that there were others above you in the chain who controlled and funded the operation, I have come to the view that it would be unjust to so. However, because of the nature of the operation and the leading role you played in relation to the importation of such vast quantities of cocaine, I adopt a starting point in your case PZ of 28 years imprisonment.

21. Whilst the sophisticated nature of the concealment of the consignment and the use of specialist encrypted Dutch SIM mobile phones would ordinarily aggravate the seriousness of an importation offence and increase the sentence from the starting point, I do not treat either factor as doing so in this case because such features are inevitable in importations on such a vast scale and are, in effect, already accounted for in the starting point that I adopt in this case.

22. However, your offence PZ is made more serious by the fact of your previous offending. You were born in Bulgaria in 1985 and you were 37 at the time of the importation. Between the ages of 22 and 26 whilst in Italy you committed ten offences relating to credit card fraud, namely the use of altered or cloned credit cards, in conspiracy with others, between 2007 and 2011. There is other evidence before the Court, including your own admission in evidence, which demonstrates that you were also involved in fraudulent conduct in 2020 in the period leading up to the importation, including the provision of false information to a bank for the purposes of opening a bank account and the making of a fraudulent application for a covid bounce back loan to the benefit of a company registered in your name on the false basis that it was an ongoing business.

23. There is however some personal mitigation in your case PZ which I take into account. During the course of the trial, before you entered your guilty plea, you became mentally unwell and committed an act of serious self-harm which led to your hospitalisation for a number of days. The prison doctors were of the view that you were suffering from a mixed affective disorder and had developed a temporary psychosis. Although you shortly recovered from the severe aspects of that breakdown, I accept that these proceedings and your detention have taken a significant toll upon your mental health. You have also suffered having been separated from your wife and your son and I am sure they have and will suffer to as a result of your offending and detention.

24. I also give you some albeit limited credit for your guilty plea entered on 17<sup>th</sup> September 2024. You entered your plea immediately before your counsel was due to make his closing speech in what was your second trial. In those circumstances, whilst I take the view that you deserve some credit for bringing to an end the charade of your defence, I limit that credit to the very minimum of just 5%.

**EM**

25. I now turn to you, EM. You were a key organiser of the importation in the UK on the Albanian side, overseeing the planning and preparation.

26. In my view, in this way you also played a leading role in relation to the importation within the meaning of the SC Guideline, in that you used a business as cover, you exercised substantial links to and influence on others in the operation chain, and, given the quantities and risk involved, there is an irresistible inference that you also committed the offence in expectation of substantial financial or other advantage.

27. The detail of what you did bears this out. You were a regular presence at the Unit and at other locations relating to Agro Foods in the weeks leading up to the 18 February 2021. The call data demonstrate that you maintained contact with PZ, and also with OE, GD and BK throughout this period. That you were in a position of authority was apparent in your general demeanour when in the company of others at the Unit, including GD and BK, as seen in CCTV. I am sure that on at least two occasions OE brought cash to the Unit at your direction for the purposes of securing the lease and making a down payment on the refrigeration equipment. You were also in the vicinity of the AF's accountants when changes were made to the structure and officers of the company and you were in the vicinity of the company bank when other preparations were being made. You attended the premises of Atlas Refrigeration along with PZ and a Mr Yildirim to complete negotiations that PZ had begun the previous day for the installation of the refrigeration at the Unit. On that occasion you were conducting the negotiations with Atlas and Mr Yildirim was heard to defer to you. You were also heard speaking over



the telephone in terms that demonstrated you had authority in the making of the arrangements for the installation. On 18<sup>th</sup> February you were present in the vicinity of the Unit although out of sight, you were in contact with BK whilst he was unloading and you maintained a constant telephone contact with OE who was keeping watch on the Unit at a distance and waiting with a hire van to take the cocaine away. I am sure that he was reporting to you, including the fact that the police had arrived, which led to you moving away from the scene and avoiding detection at that time. All of this evidence taken together gives rise to an irresistible inference that you had authority and were overseeing various aspects of the operation.

28. It has been submitted by the prosecution that you may have been above PZ in hierarchy, particularly given the authority you appeared to have during your visit to Atlas. However, whilst this may be the case, I cannot be sure of it.

29. I note that there is also no evidence before the Court that you had available to you the resources to fund such an operation or links to the original source of the cocaine and, as in PZ's case, I proceed on basis that you had neither. Again, that does not change the fact that you were plainly in a leading role within the meaning of the Guideline, but equally I accept that others were above you in those ways.

30. I do not draw any distinction between you and PZ in terms of your respective places within the hierarchy. I also adopt a starting point in relation to the importation in your case of 28 years imprisonment.

31. Turning to the facts of the further offence of which you were convicted by the jury, being concerned in the supply of cocaine.

32. 31 blocks of cocaine, each weighing approximately 1kg, and with a total weight of 33 kg, were recovered from Flat 7 the Yard on Caledonian Road in Kings Cross in April 2021. The estimated wholesale value of the cocaine was £1.24 million. A search of the premises revealed a large amount of

drugs wrappings, indicating that as many as 60 kg blocks of cocaine may have been present in the flat, although for the purposes of sentencing I proceed on the basis that the relevant quantity is in the region of 33 kg. These circumstances made it plain that the cocaine was being repackaged and then distributed from the premises. You EM were directing and overseeing the operation. Arrangements for the rental of the property were made by an associate of yours, Augustine Kola. You and an associate of yours known as Banka St conducted this supply operation by using the services of GD who was in possession of the key to 7 The Yard on his arrest on 18<sup>th</sup> February and who, in turn, on your direction, would meet with OE, who was the driver, picking up the cocaine in the area of 7 The Yard and making the deliveries, generally to the area east of London. The call data and other evidence makes it plain that this was underway certainly on at least five occasions in January and the beginning of February 21.

33. Against that background, I am satisfied that you played a leading role in this supply offence within the meaning of the relevant Guideline. The particulars of the role you played which I have just described demonstrate that you were organising the buying and selling of cocaine on a commercial scale and that you had substantial links to, and influence on, others in the chain of operation. The presence of the original wrappings also indicates that you were close to the original source of importation and by inference you plainly had expectation of substantial financial gain.

34. The relevant Guideline for this offence also states that in cases where the amount of cocaine is as much as 5kg, the starting point for an offender who has played a leading role is one of 14 years within a range of 12-16 years imprisonment. However, where the operation is on the most serious and commercial scale, involving a quantity of drugs significantly higher than 5kg, sentences of 20 years and above may be appropriate, depending on the offender's role.

35. Because of the nature of the operation, the leading role you played in relation to quantities of cocaine significantly higher than 5kg, I assess that the

appropriate starting point for the offence of being concerned in the supply of cocaine is one of 21 years imprisonment.

36. I have regard to and take into account the mitigation in your case.

37. You were born in Albania in 1979 but you have lived in the UK for many years. You were 41 years old at time of your offences and married with children, living in London.

38. I give you credit for the fact that you have no previous convictions or cautions and I take into account that you have worked over a number of years, including as a plumber. However, the amount of credit to be afforded for good character in a case as serious as this is necessarily limited.

39. I also have regard to the fact that as a teenager you suffered as a result of the civil war in Albania. You were evacuated and arrived in UK as refugee and placed into care with foster family.

40. I also make it plain that the sentence I will shortly pass in relation to the supply offence will be consecutive to the sentence I pass in relation to the importation. Although the offence of being concerned in the supply of cocaine was committed during the period in which the importation offence was committed, it was a separate and very serious criminal enterprise. However, the sentence I impose for being concerned in the supply of cocaine will be very substantially reduced from what it would have been, so as to ensure that the total sentence is proportionate to your overall offending and is not too long.

**OE**

41. I turn to the role you played in the importation, OE.

42. First of all, I make it plain that I have no regard at all to the allegations that were made against you at trial in relation to the distribution of cocaine from

7 The Yard. The jury were unable to reach a verdict on that count in your case and for the purposes of sentencing I completely disregard any suggestion that you were knowingly concerned in that supply operation.

43. OE over several weeks in the lead up to 18<sup>th</sup> February you played your part in this importation in different ways, albeit acting under direction, particularly from EM, but also others. In my view you played a significant role within the meaning of the SC Guideline.

44. First, you were plainly performing an operational function within the chain from mid-January onwards, primarily as a driver until your role expanded on 17<sup>th</sup> and 18<sup>th</sup> February. You acted as a driver to the vicinity of the Unit in mid-January at a time when those involved in the operation were scoping premises for a suitable warehouse for the operation, and later when the cash was handed over for the rental of the Unit. I am sure that you delivered that cash at the behest of EM in particular who contacted you before you made your journey. Similarly, in mid-February you drove to the vicinity of the Unit at a time shortly before cash was paid by PZ to Atlas as a down payment for the installation of the coolers. Again, I am sure that you delivered that cash at the behest of EM in particular who contacted you before you made your journey. Over several weeks you were in possession of one of the Dutch sim phones and you eventually delivered that phone to PZ on 16<sup>th</sup> February. On 17 February 2021 you hired a transit van, plainly intended to be used on 18<sup>th</sup> February for moving the cocaine away from the Unit for onward distribution. You attended the Unit in that van on 17 February 2021, driving it into the Unit for a reason that must have been connected to the importation. On 18<sup>th</sup> February you positioned yourself in and around the van with a good view of the front of the Unit. Throughout the morning you kept track of the progress of the delivery of the consignment, sometimes walking up and down past the Unit whilst the unloading was taking place, at one point, with PZ, assisting the undercover driver of one of the lorries to manoeuvre his vehicle. You also maintained very frequent contact by phone with EM. I am sure that you were reporting to EM about what was going on

whilst being ready to take the cocaine away in your van once it has been removed from the pallets.

45. In these circumstances and given the role that you played over time, I am sure you had some awareness and understanding of scale of operation. That this operation involved a very large amount of cocaine must have been plain to you from the fact that a warehouse was required, from the size of the van that you hired on 17<sup>th</sup> February and from your direct observations during the unloading on 18<sup>th</sup> February. Finally, there is a sure inference that you had an expectation of significant financial or other advantage from participation in an operation on this scale, even where you were working primarily as a driver, although plainly not in the amounts expected by your co-defendants who played a leading role.

46. I do though accept the submission of your counsel that your function was, save for on 18<sup>th</sup> February, primarily confined to that of a driver, using as you did for the most part your own vehicle and then your own personal details for the hiring of the van, and that at all times you were plainly acting on the direction of others and had no influence on those above you in the chain. I note also that you are not the most sophisticated criminal as evidenced by the fact that after your first arrest you did not dispose of the phone you used to communicate with EM and you provided your pin numbers to the police. For those reasons I find that your role falls towards, although not at, the bottom end of significant role.

47. However, the Court of Appeal has made it plain that even where an offender plays such a role, or even a lesser role within the meaning of the Guideline, within an operation on a commercial scale, higher sentences outside of the Guideline will be appropriate.

48. Because of the nature of the operation and the significant role you played in it, albeit towards the bottom end of that bracket, in relation to an importation of such vast quantities of cocaine, I adopt a starting point in your case of 19 years imprisonment.

49. However, I reduce your sentence from that starting point to reflect the mitigation in your case. You were born in Kosovo in 1984 and came to the UK in 1999 when you were 15. You were 37 at the time of this offence.

50. I give you some credit for the fact that you have no previous convictions or cautions. There is also evidence of your positive good character before the Court. You have worked in the UK as a waiter and later as a mini cab driver for several years. It seems you have always been in receipt of a limited income.

51. I note that you have made good progress whilst on remand in custody and have maintained an enhanced status, acting as what is known as an 'insider', assisting new prisoners with adjusting to prison life.

52. I take into account the fact that you have a wife and three young children. I have read letter from teachers at your children's primary school which confirm both that you are generally a kind and respectful man and you have been a committed father.

53. No doubt you have suffered as a result of what will be a long separation from your family and no doubt your family have and will suffer as a result of your offending and incarceration. That is plain from the letter I have received from your wife.

## **GD**

54. First of all, again I make it plain that as far as you are concerned I also have no regard at all to the prosecution case in relation to the distribution of cocaine from 7 The Yard. You were never charged with any offence relating to 7 the Yard and I have completely disregarded any suggestion that you may have knowingly played a part in it.

55. Turning back to the importation offence, you were also plainly performing an operational function within the chain, certainly during February in the weeks

leading up to 18<sup>th</sup> February. You attended the Unit on many occasions, spending long periods inside it, you were there on several occasions when PZ and EM also attended. You were often seen to be wearing a high visibility jacket at or outside the Unit, no doubt to give the impression that you were legitimate warehouse worker. The days on which you were present at the Unit included when refrigeration equipment was being installed and also on the 17<sup>th</sup> February when final preparations were no doubt being made. I have no doubt you were present for discussions about the preparation of the Unit for the receipt of the cocaine and that you performed tasks within the Unit to that end. You also played a key role on 18 February 2021, helping to unload the lorries and then, once the pallets were inside the warehouse, you and BK broke them down in order to identify the cocaine. Upon your arrest two of the Dutch sim phones were found nearby you and BK. I am sure that you had been using one of them.

56. In these circumstances and given the role that you played over time, I am sure you had some awareness and understanding of scale of operation. That this operation involved a very large amount of cocaine must have been plain to you, GD. Finally, there is again an irresistible inference that you had an expectation of significant financial or other advantage from participation in an operation on this scale, although plainly not in the amounts expected by your co-defendants who played a leading role.

57. For these reasons, I am satisfied that you played a significant role within the meaning of the Guideline. It is true to say that you were undoubtedly acting under instruction from those in a leading role, but you were also a trusted member of this operation, being privy to the inside of the Unit and tasked to deal with the cocaine itself. For all those reasons, in my view, you fall squarely within that category.

58. Because of the nature of the operation and the significant role you played in it in relation to an importation of such vast quantities of cocaine, I adopt a starting point in your case of 22 years imprisonment.

59. I now turn to the offences of possession of a prohibited weapon and of ammunition without a certificate. A revolver pistol and ammunition were retrieved from a metal crossbeam above the banana pallets in the area of the Unit in which you and also BK were arrested. The revolver was found to be a converted multi-purpose 9mm calibre Turkish Atak Arms Zoraki model R2, capable of discharging bulleted ammunition. It is agreed that the revolver was a prohibited weapon within the meaning of the Firearms Act. Six cartridges were found inside the revolver.

60. Within the meaning of the Guideline the firearm was of Type 1 and culpability was high by reason of the fact that you plainly had it in your possession lest you needed to use it to ward off any threat to this high value consignment. In that sense, it was to be used for a criminal purpose or at the very least you were reckless as to whether it would be so used. It is agreed between the parties that this is properly to be treated as a Cat 2 harm case and the appropriate starting point for the possession of the prohibited weapon is therefore 7 years within a category range of 6-8 years, before credit is given for mitigation. However, on any view in this case, and it is agreed, I must impose the minimum term applicable to possession of such a prohibited weapon, namely one of 5 years imprisonment. There are no exceptional circumstances relating to the offence or to you which justify not imposing the minimum term.

61. I take into account a number of mitigating factors in your case, GD. You were born in Albania on 6<sup>th</sup> Sept 1990 and moved to the UK in 2021. You were 30 years old at time of importation.

62. I give you some credit for the fact that you have no previous convictions or cautions. There is also evidence of your positive good character before the court in the form of information with which I have been provided. I note that you have an established history of working as a mechanic having completed a university degree.



63. I accept that you are remorseful for your offending and have been a model prisoner during your remand.

64. I take into account that you have and will suffer as a result being separated from your partner of 10 years, and your son who was born in May 21 and who myou have never met, he is now 3.5 years old. I have no doubt that likewise your family will suffer due to your offending and detention.

65. I take into account that, through no fault of your own, you have had to wait to be sentenced today for over three years since your plea.

66. I also give you 25% credit for your guilty plea which you entered at the PTPH on 20 August 2021, subject of course to the minimum term provisions in relation to the possession of a prohibited weapon.

## **BK**

67. In this importation you, BK, were also plainly performing an operational function with the chain, certainly during February in the weeks leading up to 18<sup>th</sup> February. You, like GD, also attended the Unit on many occasions, spending long periods inside it, you were there on several occasions when PZ and EM also attended. You too were often seen to be wearing a high visibility jacket at or outside the Unit, no doubt to give the impression that you were legitimate warehouse workers. The days on which you were present at the Unit, like Diko, included when the refrigeration equipment was being installed and also the 17<sup>th</sup> February when final preparations were no doubt being made. I have no doubt you were present for discussions about preparation of the Unit for the receipt of the cocaine and that you performed tasks within the Unit to that end. You, like Diko, also played a key role on 18 February 2021, helping to unload the lorries and then, once the pallets were inside the warehouse, you and GD broke them down in order to locate the cocaine. Upon your arrest, two of the Dutch sim phones were found nearby you and I am sure you had been using one of them.

68. In these circumstances and given the role that you played over time, I am sure you had some awareness and understanding of scale of operation. That this operation involved a very large amount of cocaine must have been plain to you BK. Finally, there is again a sure inference arising that you had an expectation of significant financial or other advantage from participation in an operation on this scale, although plainly not in the amounts expected by your co-defendants who played a leading role.

69. For these reasons, I am satisfied that you also played a significant role within the meaning of the Guideline and I reject the submission made on your behalf that you played a lesser role. It is true to say that you were undoubtedly acting under instruction from those in a leading role, but you, like GD, were also a trusted member of this operation, being privy to the inside of the Unit and tasked to deal with the cocaine itself. For all of those reasons, in my view, you also fall squarely within that category.

70. I draw no distinction between you and GD.

71. Because of the nature of the operation and the significant role you played in relation to an importation of such vast quantities of cocaine, I also adopt a starting point in your case of **22** years imprisonment.

72. I must also sentence you for the offences of possession of a prohibited weapon and of ammunition without a certificate. You accept that you were in joint possession of those items with GD. For the reasons I have already set out when dealing with his case, the appropriate starting point for the possession of the prohibited weapon is one of 7 years within a category range of 6-8 years, before credit is given for mitigation and, again, on any view in this case, and it is agreed, I must impose the minimum term applicable to possession of such prohibited weapon, namely one of 5 years imprisonment. There are no exceptional circumstances relating to the offence or to you, BK, which justify not imposing the minimum term.

73. You were born on 6<sup>th</sup> August 1992 in Albania. You came to the UK in December 2020 and you were 28 years old at time of importation.

74. You have written to the court stating that you decided to become involved in the offence to obtain funds to pay for treatment of your father's illness. Whilst I have sympathy for you dealing with the illness of a parent, this cannot provide any significant mitigation for such a serious offence.

75. However, I do take into account a number of mitigating factors in your case BK.

76. I give you credit for the fact that you have no previous convictions or cautions. There is also evidence before me that you were hardworking after leaving school.

77. I take into account that, through no fault of your own, you have had to wait some time since your plea to be sentenced today, albeit not as long as GD. Whilst in custody your father died. I accept that this will have been very difficult for you.

78. I take into account that you have and will suffer as a result of being separated from the rest of your family in Albania, including your mother who has written to the court. I have no doubt that she will suffer due to your continued incarceration.

79. I also give you 10% credit for your guilty pleas which you entered on the 28<sup>th</sup> April 2023 having notified the same on 18<sup>th</sup> April, shortly before the date set for your trial, subject of course to the minimum term provisions in relation to the possession of a prohibited weapon.

## **GD and BK**

80. Before I pass sentence I make it clear to you, GD and BK, that sentences I will pass for possession of a prohibited weapon and possession of

ammunition without a certificate, will be concurrent to the sentences I pass on Count 1, but I will uplift the sentence I pass on Count 1 to reflect the fact of this additional offending, having regard to totality. In taking this approach, I have in mind that the possession of the firearm and ammunition was very much linked to the importation offence. In determining the appropriate uplift, I keep in mind the intended effect of the minimum term for the possession of the firearm, but equally I must ensure that does not produce a sentence which is disproportionate to your overall offending. In each of your cases the uplift to the sentence I pass for the importation offence will be one of 3 years.

### **SENTENCES**

1. I have considered each of your cases with care and the least sentences I can pass having regard to the seriousness of the offences and all of the mitigation in each of your cases are as follows:
2. **PZ**, for the offence of being knowingly concerned in the importation of cocaine, I sentence you to **27 years imprisonment**.
3. **EM**, for the offence of being knowingly concerned in the importation of cocaine, I sentence you to **26 years imprisonment**.
4. For the offence of being concerned in the supply of cocaine I sentence you to a reduced, consecutive term of **7 years**, making a total sentence of **33 years**
5. So that you understand exactly how I reached that sentence, I make it clear that the sentence I would have passed in relation to the supply offence, were it not for the reduction for totality, would have been 19 after mitigation but, as I say, that is reduced to 7 and the total sentence is 33 years.
6. **OE**, for the offence of being knowingly concerned in the importation of cocaine, I sentence you to **17 years**

7. **GD**, for the offence of being knowingly concerned in the importation of cocaine, I sentence you to **18 years**.
8. For the offence of possession of prohibited firearm, I sentence you to a concurrent term of **5 years**.
9. For the offence of possession of ammunition without a certificate, I sentence you to **15 months**, that sentence will be also be concurrent, making a total sentence of **18 years**
10. **BK**, for the offence of being knowingly concerned in the importation of cocaine, I sentence you to **21 years**
11. For the offence of possession of a prohibited firearm, I sentence you to a concurrent term of **5 years**.
12. For the offence of possession of ammunition without a certificate, I sentence you to **20 months**, that sentence will be also be concurrent, making a total sentence **21 years**.

### ***Effect***

13. You will each be released no later than halfway through the sentences that I have imposed and the remainder will be served on licence in the community.
14. The period that each of you have already served whilst remanded in custody will count towards your sentence.
15. Once released, you must comply with all the conditions of your licence, failing which you will be at risk of recall to prison to serve the remainder of the term in custody.

### **Forfeiture**

16. I order forfeiture of the items set out in the prosecution schedule uploaded at item T16 of the DCS. I specifically order that the cash found in the possession of GD and BK is forfeited pursuant S.27 MDA to the Metropolitan Police in the fight against crime and the recovery of criminal assets.

### **Surcharge**

17. The statutory surcharge applies in each of your cases.

### **Counts to lie on file**

18. I order that in OE's case, the offence of being concerned in the supply of cocaine should lie on the file in the usual terms.
19. In the cases GD and BK, I order that Counts 2 and 4 on the original indictment also lie on the file on the usual terms.

### **Defendants Downstairs**

### **Commendations**

I intend to make judicial commendations in writing in relation to the work undertaken by the officers in this case. I will say now in open court that deserving of particular praise is DS Ben Markam for his work before and during the two trials. I also intend to make commendation in relation to DC Beth McCullough.