



THE COURT OF APPEAL

Neutral Citation: [2025] IECA 21

Record Number: 6/2024

Edwards J.

Burns J.

O'Moore J.

BETWEEN/

**THE PEOPLE AT THE SUIT OF THE DIRECTOR OF PUBLIC
PROSECUTIONS**

RESPONDENT

-AND-

IGOR LOGVINOV

APPELLANT

**JUDGMENT of the Court delivered on the 17th day of January, 2025
by Ms. Justice Tara Burns.**

1. This is an appeal against severity of sentence. On 23 November 2023, the appellant pleaded guilty, before Dublin Circuit Criminal Court, to one count of money laundering contrary to s. 7 of the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 in relation to a sum of €56,350 in cash which he was found in possession of.

2. On the 13 December 2023, he was sentenced to three years' imprisonment, backdated to 7 July 2023 to reflect when the appellant entered into custody.

Background

3. On 4 July 2023, the appellant, who was a UK resident, was observed driving into a filling station and receiving a package from a passenger in a BMW vehicle. This observation came about as a result of surveillance conducted by An Garda Síochána in an intelligence led operation. The appellant had entered the State on the day this occurred, or the previous day. It was discovered that he was staying in accommodation which he was renting.

4. The appellant had previously been observed in the State in June 2023, when he stayed for less than a week.

5. On 7 July 2023, Gardaí searched the appellant's accommodation on foot of a search warrant and located and seized cash in the sum of €50,000 in a Centra bag; and €6,465 in a black satchel.

6. The appellant was arrested and detained. At interview, he claimed to be the legitimate owner of this money.

7. The appellant entered a guilty plea in early course before Dublin Circuit Criminal Court.

8. At the sentencing hearing, the investigating guard indicated that the appellant had a high up role in the criminal operation, and that he had entered the jurisdiction for the sole purpose of storing and distributing large amounts of cash which were the proceeds of criminal conduct.

Grounds of Appeal

9. The grounds of appeal proceeded with before this Court were narrowed to a submission that the headline sentence identified by the sentencing judge was too high; and that the sentencing judge erred in failing to impose a partially suspended sentence.

Personal Circumstances

10. The appellant was 61 years of age when sentenced. He is Russian by birth, a Lithuanian national, and ordinarily resides in the UK, where he had worked for himself as a carpenter. He has no previous convictions.

Sentencing Determination

11. The sentencing judge identified a headline sentence of four and a half years which she reduced to three years having regard to the mitigatory factors in the case.

Discussion and Determination

The Headline Sentence

12. In *Sinnott*, Ní Raifeartaigh J. identified various “key factors” which must be considered when identifying a headline sentence in relation to money laundering offences. At para. 33 of her judgment, she stated these to be:-

“(a) the amount of money involved, (b) the role played by the accused in relation to the money, and (c) whether the conduct of the accused was intended to assist a criminal organisation and if so, the nature and scale of that organisation.”

13. Counsel for the appellant suggested that the amount of money involved in the instant matter was not as significant as might be the case in other cases and submitted that the trial judge erred in failing to have regard to the relatively small amount of money at issue when identifying the appropriate headline sentence.

14. An offence of this nature is a serious offence which attracts a maximum penalty of 14 years imprisonment. With respect to the circumstances of the offending in the instant matter, the appellant was identified by the investigating guard as occupying a role at a high level in the criminal operation afoot, with his role being in the nature of storing and distributing the money at issue for a criminal organisation. In addition, he entered this jurisdiction with the sole purpose of engaging in this criminal conduct, in what clearly was an organised, planned and sophisticated operation.

15. The sum of money in question, while not vast, remains a substantial sum of money for the purpose of this offence.

16. Having regard to the other matters indicated in *Sinnott* as being of relevance when identifying a headline sentence, namely the accused's role in relation to the money at issue and whether the accused's role was to assist a criminal organisation, the evidence which was given in the sentencing hearing with respect to each of these matters was significant.

17. Accordingly, an error in principle does not arise with the nomination of a headline sentence of four and a half years in the circumstances of this offending.

The Failure to suspend a portion of the sentence imposed

18. The sentencing judge afforded the appellant a 33% reduction from the headline sentence she considered appropriate. The sentencing judge identified that this reduction was to reflect the early guilty plea entered and the appellant's personal circumstances, to include his age, the fact that he has no previous convictions, and that he is not resident in this jurisdiction and has no family ties here.

19. The appellant no longer is pursuing his grounds of appeal that sufficient weight was not afforded for the mitigatory factors present in his

case. However, it is submitted that an error in principle arises for not suspending a portion of the term of imprisonment to incentivise the appellant and to reflect his age and the fact that he had no previous convictions.

20. The sentencing judge had already had regard to the appellant's age, his lack of previous convictions and the difficulty which prison would present for the appellant, when assessing the reduction which she would afford for mitigatory factors. Accordingly, these matters had already been appropriately taken into account of by the sentencing judge.

21. With respect to incentivising the appellant, there was no evidential basis placed before the sentencing judge with respect to any suggested suspension.

22. It is a matter which falls within a sentencing judge's discretion as to whether a suspended sentence should be imposed. On the basis of the circumstances of this case and the evidence before her, it cannot be said that the sentencing judge erred in not suspending a portion of the sentence.

Conclusion

23. The Court is of the opinion that an error in principle has not been established by the appellant in the sentence imposed upon him. Accordingly, his appeal against sentence is dismissed.

Approved
No Redaction Needed