

R v Afonso & others [2004] EWCA Crim 2342

The level of sentencing indicated by R v Djahit [1999] 2 Cr.App.R.(S) 142 and R v Twisse [2001] 2 Cr.App.R.(S) 37, namely in the region of 6 years after a contested trial applies to offenders who are largely commercially motivated and repeatedly supply small quantities of Class A drugs to drug users. There is a subset of offenders who supply Class A drugs, for whom this level of sentence is not appropriate.

The culpability of an unemployed drug addict is likely to be less than that of many other suppliers as they have limited options to fund their addiction; the harm is also comparatively slight where they are shown only to have supplied undercover police officers and hold no stock for supplying others.

Sentencing Guidelines

- In such a case, where a DTTO is not appropriate, the offender is an adult, it is a first drugs supply offence, and the case is contested, a short-term prison sentence is appropriate. Following a guilty plea at the first reasonable opportunity, the offender should be sentenced to a term of the order of 2 to 2 ½ years' imprisonment.
- For young offenders, in circumstances as indicated above, the custodial term is likely to be less.

*The interpretation and comments made within this document are not to be considered as legal advice.
Reference should always be made to the original case.*