

3.3 *Disparity General principles etc.*

R v Planten 2017 EWCA Crim 1807, 2018 1 Cr App R (S) 24 (p 167) D was convicted of a drugs conspiracy. He was sentenced to 11 years. There were 17 importations of drugs and on one occasion the importation of firearms and ammunition. [There were at least 21 counts on the indictment.] D was involved with six importations. Held. We estimate the weight of cannabis imported was 1,800 kilos. It was argued that the sentence was disparate with the main player. para 30 When sentencing for a number of co-conspirators, all of whom had different roles and not all of whom are to be sentenced for the counts, it is very dangerous for this Court to intervene in a careful calibration of sentences as between counts and as between co-conspirators. That is particularly the case when the judge presided over a long trial. It is [also] very dangerous for this Court to draw inferences from sentences which are passed by the sentencing judge on counts which are not the lead count. We therefore dismiss this appeal.

R v Anderson and Black 2018 EWCA Crim 482 B pleaded to historical sex offences. On appeal it was argued that his sentence was in disparity with those of two other co-defendants, H and M. Held. This Court has frequently indicated its dislike of grounds advanced solely on the basis of disparity, especially disparity with another offender sentenced on another indictment on another occasion by another judge, as in the case of M. The sole statutory test for this Court is whether a sentence was wrong in principle or manifestly excessive.