

**112.22a**      *New offence relatively minor*

*R v Oduntan 2018 EWCA Crim 295* D pleaded to possession of a ‘small amount of cannabis’. He was stopped in the street and admitted the offence immediately. D was aged 19 and had started university. He was in breach of two suspended sentences. One was for supplying heroin and cocaine (18 months), with 200 unpaid hours, which had been completed. The other was possession of a bladed article (6 months), with 100 unpaid hours, and 10 extra unpaid hours were added for the breach of the earlier order, 20 of which had been completed. The two orders were 13 months apart and the second order was six weeks before the cannabis offence. In between the suspended sentences he was given a community order for a false representation offence and no penalty for possession of cannabis. The Judge gave credit for the compliance with the terms of the order. When the last suspended sentence was ordered, D was told this was his last chance. The Judge imposed 1 month and activated the orders in full but made the sentences concurrent making 18 months in all. Held. There should have been a greater reduction, so 9 months, 4 months and 1 month concurrent, making 9 months in all.

Note: This still seems disproportionate for the offence and the university training should not have been stopped for so trivial an offence. The previous Judge saying, “last chance” was before anyone knew the breach was going to be for possession of cannabis. With D’s age and good response to the orders a more constructive approach would have been to fine D for the cannabis and extend the operational periods of both the suspended sentences. This was the solution in *R v Bathgate 2016 EWCA Crim 930*, where the defendant was a drug addict who breached three suspended sentences imposed on the same day by committing a possession of cannabis offence. There was no fine, just extensions of the terms. Ed.