

**18.13a** *Defendant sentenced to custody Sentencing the lesser offences*

*R v Rawlinson* 2018 EWCA Crim 2825, 2019 1 Cr App R (S) 51 (p 429) D pleaded to exposure. He was given a conditional discharge for three years. D pleaded to a drug supply offence and was sentenced to three years. The drug offence was a breach of D's conditional discharge and he was sentenced to 2 months' concurrent for that. Held. Here the exposure offence did not pass the custody threshold. The fact the concurrent sentence made no difference to the total was not a factor. We quash the 2-month sentence and normally a fine or a community sentence would be appropriate. Because D is in custody, we impose no penalty. As a result, notification no longer applies.