

315.6a *Cases Class B*

R v Wyatt 2014 EWCA Crim 130 D pleaded (full credit) to possession of a class B drug (MCAT). In February 2013, he was sentenced for possession of MCAT with intent to supply (social supply). He received a suspended sentence of detention in a YOI (28 weeks). He failed to attend review hearings on at least two occasions. He was summoned to court in respect of those breaches but before the hearing he was arrested for the simple possession of MCAT. Held. The Judge did not explain why he regarded it necessary to go outside of the guideline for the simple possession offence. The circumstances permitted the Judge to make an upward adjustment from the starting point of a fine to reflect the aggravating features but the facts and circumstances did not justify an upward adjustment outside the category altogether, nor did they justify an upward adjustment to the level of sentence imposed here. It is significant that D was given a real opportunity when he was given the suspended sentence. 28 weeks consecutive was too long. Starting at 9 weeks, with the plea, **6 weeks** consecutive was appropriate. The partial activation of the suspended sentence (24 weeks) was not challenged.