

223.2a *Reclassification of cannabis, Offences committed before*

Details On 26 January 2009, cannabis was reclassified as a class B drug.

R v Tumara and Wheaton 2014 EWCA Crim 1667 D1 and D2 were sentenced for conspiracy to supply cannabis. The offences occurred in 2008, when cannabis was a class C drug. In 2014, D argued he should be sentenced under the class C guidelines. Held. The authorities make clear that the downgrading of cannabis from class B to class C in 2004 did not result in any reduction in sentence. Parliament increased the sentences for supply and importation of class C drugs to those for class B drugs. Therefore previous class B guidelines applied. So now class B guidelines apply.

223.6 *Cases*

R v Vu 2014 EWCA Crim 561 D pleaded to producing cannabis. Police received a complaint of a strong smell of cannabis in a residential street. They forced entry to the premises and found that several rooms had been converted into a cannabis farm. It was a very professional operation. There had been unlawful access to the electricity supply and there were 231 plants and 140 pots with soil and the roots of cannabis plants still in them. He was acting under pressure from others and his only gain was food and accommodation. D, aged 39, was of previous good character. Held. Although D was not to share in the profit, he must have known the scale of the operation. We start at 2 years, reducing that with personal mitigation to 18 months and with plea discount, **16 months** not 2 years.

Note: The Court said there was no criticism of the plea discount being one sixth and then gave him 16 months instead of 15. Ed.

223.6a *Assisting others to produce*

Example: *R v Dang and Others* 2014 EWCA Crim 348, 2 Cr App R (S) 49 (p 391) (D pleaded guilty to being concerned in the production of cannabis and other charges. 22 others were convicted of D's conspiracy. Some were convicted of that conspiracy and other similar separate conspiracy. They supplied hydroponic and other equipment to assist others to grow cannabis. The turnover of pots supplied was suitable for growing over 1 million cannabis plants. The potential yield was 40,000 kilos worth about £100m. There were 56 production farms. Not all appealed. Sentences of **14 years, 10 years, 9 years, 9 years 323 days, 7 years, 6 years** ×2, **5 years, 4 years** ×2, **2 ½ years** ×3, **42 months and 2 years suspended** upheld.)