

## 2.2 *General principles*

*R v Saliuka* 2014 EWCA Crim 1907 D was convicted of possessing class A and B drugs with intent to supply and other charges. Following a *Goodyear* indication D's co-defendant H, on a plea, received "an incredibly lenient" 3 years 7 months. D received 7 years. On appeal the defence relied on disparity. Held. The logical extension to the appellant's argument is that if an unduly lenient sentence was passed upon one [defendant] that requires the court to pass an unduly lenient sentence upon another offender. Right-thinking members of the public would then rightly think that something had gone wrong with the administration of justice. One sentencing error is not cured by making another. Disparity is an argument often deployed in this court but it seldom succeeds. Undue leniency shown to H is no reason for reducing a perfectly proper and otherwise entirely appropriate sentence passed upon D.