

**338.24 Couriers**

*R v Mboma* 2019 EWCA Crim 773 D pleaded to conspiracy to supply heroin and possessing criminal property (12 months concurrent, no appeal). He transported cocaine from Leeds to Carlisle and collected the cash for the drugs. On his return journey, police found nearly £9,000 in cash which would pay for 250 grams of cocaine. D's phone showed that there had been a similar previous trip. D was aged 21 and of good character. The Judge found D played a significant role. D appealed that finding. Held. Being a courier is not itself determinate of which role a defendant played. If a defendant had been exploited, that could in some circumstances [indicate] a lesser role. The Judge was not wrong to ascribe a significant role.

Note: The Court of Appeal over the last few years has seemed very keen to increase defendants' roles. The problem with that approach is that it leads to disparity between sentences passed by different judges, prison overcrowding, and insufficient distinction between the organisers and the foot soldiers in a drug gang. Ed.