

ENGLAND AND WALES / JUDGMENT

# R v Jetmir Serjanaj

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[2026] EWCA Crim 601 Royal Courts of Justice Strand London WC2A 2LL Thursday, 30 April 2026  
Before: LORD JUSTICE HOLGATE MR JUSTICE SOOLE THE RECORDER OF LUTON HIS  
HONOUR JUDGE MICHAEL SIMON (Sitting as a Judge of the CACD) REX V JETMIR  
SERJANAJ

Computer Aided Transcript of Epiq Europe Ltd, Lower Ground Floor, 46 Chancery Lane, London, WC2A 1JE Tel No: 020 7404 1400; Email: rcj@epiqglobal.co.uk (Official Shorthand Writers to the Court)

MISS S ALLINSON-HOWELLS appeared on behalf of the Appellant

## J U D G M E N T

1. MR JUSTICE SOOLE: On 25 February 2026 in the Crown Court at Newcastle upon Tyne, the appellant, then aged 44, was sentenced to 26 months' imprisonment upon his earlier plea to the offence of being concerned in the production of a class B drug (cannabis), contrary to s.4(2)(b) Misuse of Drugs Act 1971. With the leave of the single judge, he contends that the sentence was manifestly excessive.

2. On 27 January 2026, police officers had attended an address in Hetton-le-Hole, to which they had been alerted through the heat detected by drone footage. On forcing entry they discovered that the premises were being used for the production of a cannabis. There were multiple grow rooms spread across three floors in the property, containing equipment and plants consistent with a large-scale cannabis farm. Whilst conducting their search, the officers saw the appellant heading towards the exit. He was cautioned and arrested. In interview he provided a prepared statement but otherwise responded with no comment to questions. 3. In the prepared statement, the appellant said that he had been at the address for one week and that his only involvement was watering the plants on occasion. He was not responsible for setting up, running or managing any cannabis production and had no role in any decision-making regarding the operation. He did not benefit financially from his involvement and no monies had been given to him. He did not own the plants, the equipment or the premises and did not know who owned them. The appellant had no previous convictions. 4. In its sentencing note, the prosecution submitted, by reference to the relevant sentencing guideline, that the appellant had a significant role in that he had some awareness and understanding of the scale of the operation; and that none of the factors of lesser role, for example engagement by coercion or involvement through exploitation, were present. The harm was in category 2, as an operation capable of producing industrial quantities of cannabis for commercial use. This produced a starting point of four years' custody and a category range of two years six months to five years. The prosecution contended that the offending was aggravated by the ongoing and large-scale operation, evidenced by the presence and nature of specialist equipment; and by exposure of third parties to the risk of serious harm, in particular through the location of the drug-related activity. 5. In mitigation, it was submitted that he had a lesser role because of performing a limited function under direction; having no influence on those above in a chain; and very little, if any, awareness or understanding of the scale of operation. The harm category was not in dispute. This produced a starting point of one year's custody and a category range of 26 weeks to three years. The alleged aggravating features were disputed. Mitigating features were advanced as involvement due to pressure, intimidation or coercion falling short of duress (save as taken into account when identifying the role) and exploitation of the appellant's vulnerability.
6. Owing to technical problems, it has unfortunately not been possible to obtain a transcript of the judge's sentencing remarks. However the parties have agreed a note. The judge had been shown the police film of the premises and described it as a commercial scale operation carried out over its three floors; and as a highly sophisticated enterprise with the appearance of a factory. As to culpability, the judge concluded that the appellant's role fell between significant and lesser. As to significant role, the appellant could not have failed to appreciate that this was a large-scale and sophisticated operation. As to lesser role, the judge accepted that his role was limited and that he was acting under direction; but noted that he had at no time claimed to be acting under duress. The judge concluded that she should take a starting point of three years. She identified as an aggravating factor that the heat generated

should have been obvious to someone in the defendant's position; and made an upward adjustment from the starting point to 39 months. With full credit for plea, this produced a sentence of 26 months' imprisonment.

7. On behalf of the appellant, Ms Allinson-Howells' principal submission is that the judge was wrong to conclude that his culpability was, or included an element of, significant role. The appellant was an Albanian national who had entered the UK illegally with no immigration status and no right to remain. He spoke no English. In tending the plants as a "gardener" he would inevitably have some awareness and understanding of the operation within the premises; but there was no basis to conclude that he had awareness and understanding of the overall scale of the wider operation. His knowledge of the operation fell within the description in the category of lesser role. Ms Allinson-Howells added that he had not wished to pursue a modern day slavery defence, nor to divulge any information as to how he came to be involved in the offending.
8. The judge had thus been wrong to take a starting point of three years, rather than one year. Further, there were no aggravating factors. The overall scale of the operation was already taken into account in the adoption of harm category 2. There was no adequate basis for the contention of a serious risk of harm to others. There was no evidence of the degree of heat which this property was said to have generated, nor as to whether these vacant commercial premises had neighbouring residential properties. As a similar example to the present case, Ms Allinson-Howells referred to the decision of this court in *R v. Thuan van Vu* [2014] EWCA Crim 561. 9. In our judgment the judge was entitled to conclude that the appellant's role fell between significant and lesser. This was in particular justified by the distinctly cautious and limited account which the appellant was willing to provide. On that basis the judge would have been entitled to identify a starting point which fell between the guideline starting points, albeit substantially weighted towards the preponderant factors of lesser role. In consequence, we conclude that the adoption of the starting point for a significant role (three years) was significantly too high.
10. We also accept that, having identified an appropriate starting point which took account of the role and the category 2 harm, there was no real basis to find any aggravating factors. Taking account of the scale of the operation would involve double-counting; and there was no specific and additional evidence on the risk of harm to others.
11. In our judgment, the sentence before credit for plea should not have exceeded two years. With full credit for plea, we therefore substitute a sentence of 16 months. The appeal is allowed to that extent. Epiq Europe Ltd hereby certify that the above is an accurate and complete record of the proceedings or part thereof. Lower Ground Floor, 46 Chancery Lane, London, WC2A 1JE Tel No: 020 7404 1400 Email: rcj@epiqglobal.co.uk

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