

ROYAL COURT

77.

1st May, 1992

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**Before:** The Bailiff and Jurats Myles and Rumfitt

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**Her Majesty's Attorney General**

-v-

**Andrew Armitage**

**Gary Thomas Campbell**

**Gwilym John Edwards**

**Andrew Frame**

**Stephen James Griffin**

**Paul Gerrard McManus**

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1 Count of Receiving Stolen Property laid against each of the accused.

(Armitage: Count 1 of the indictment; Campbell: Count 2; Edwards: Count 3; Frame: Count 4; Griffin: Count 6; and McManus: Count 7. The accused named in Count 5 is to be indicted later; the accused named in Count 8 pleaded Not Guilty.)

**ARMITAGE**

**PLEA:**

Guilty.

**DETAILS OF OFFENCE:**

One of several receivers of the proceeds of a substantial theft of electrical goods from wholesalers. Received goods from the thieves, kept some and distributed to others in his turn.

**DETAILS OF MITIGATION:**

Personal misfortunes. Victim of two assaults. Had made suicide attempts and was in receipt of psychiatric treatment. Unemployed and living on sickness benefit. Co-operative.

**PREVIOUS CONVICTIONS:**

Some, but treated as a first offender.

**CONCLUSIONS:**

£1,000 fine or 6 months imprisonment.

**SENTENCE AND OBSERVATIONS OF THE COURT:**

If there were no receivers there would be no thieves. 1 year's probation and 180 hours community service.

**CAMPBELL**

**PLEA:**

Guilty.

**DETAILS OF OFFENCE:**

As for Armitage.

**DETAILS OF MITIGATION:**

Ordinary working man, would have trouble with paying fine. Earns £185 p.w., co-habits with a woman who has two children.

**PREVIOUS CONVICTIONS:**

Some, but treated as a first offender.

**CONCLUSIONS:**

As for Armitage.

**SENTENCE AND OBSERVATIONS OF THE COURT:**

As for Armitage.

**EDWARDS**

**PLEA:**

Guilty.

**DETAILS OF OFFENCE:**

Bought a television and a video cassette recorder, part of the proceeds of a large theft from electrical wholesalers.

**DETAILS OF MITIGATION:**

Family man. Co-operative. Remorseful. 7 months on remand. Not involved in theft or aware of scale.

**PREVIOUS CONVICTIONS:**

Some, but treated as first offender.

**CONCLUSIONS:**

£750 fine or 4 months imprisonment.

**SENTENCE AND OBSERVATIONS OF THE COURT:**

If there were no receivers there would be no thieves. 1 year's probation and 120 hours community service.

**FRAME**

**PLEA:**

Guilty.

**DETAILS OF OFFENCE:**

Following a large scale theft of electrical goods from an electrical wholesaler, allowed the thieves to use his flat to store them. Received one video for his assistance.

**DETAILS OF MITIGATION:**

Co-operated with police and was instrumental in recovering a large amount of property. Would have difficulty with the fine: paying a mortgage and wife pregnant.

**PREVIOUS CONVICTIONS:**

One, but treated as a first offender.

**CONCLUSIONS:**

As for Armitage.

**SENTENCE AND OBSERVATIONS OF THE COURT:**

As for Armitage.

**GRIFFIN**

**PLEA:**

Guilty.

**DETAILS OF OFFENCE:**

Bought a television and a video recorder, part of the proceeds of a large theft from electrical wholesalers.

**DETAILS OF MITIGATION:**

Bitterly regrets offence. Apologised to Court. Hard worker. Some time ago worked for 4 months as a volunteer in Armenia building a school after an earthquake.

**PREVIOUS CONVICTIONS:**

Some, but treated as a first offender.

**CONCLUSIONS:**

As for Edwards.

**SENTENCE AND OBSERVATIONS OF THE COURT:**

As for Edwards.

**McMANUS**

**PLEA:**

Guilty.

**DETAILS OF OFFENCE:**

Bought a television, part of the proceeds of a large theft from electrical wholesalers.

**DETAILS OF MITIGATION:**

Minor gain. Did not know details of principal offence. In custody 1 day during enquiries. On remand for 7-8 months.

**PREVIOUS CONVICTIONS:**

None.

**CONCLUSIONS:**

As for Edwards.

**SENTENCE AND OBSERVATIONS OF THE COURT:**

As for Edwards.

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**Miss S.C. Nicolle, Crown Advocate**

**Advocate A.P. Roscouet for Armitage and Griffin**

**Advocate A.D. Hoy for Campbell and Frame**

**Advocate S. Howard for Edwards**

**Advocate D.J. Petit for McManus**

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**JUDGEMENT**

**BAILIFF:** All of you have heard the Crown Advocate refer to a case in which it was said, if not exactly in these words, that if it were not for receivers there would not be any thieves. This is very much a case of this sort.

All of you were concerned with receiving stolen goods. Three of you directly from the thieves and the rest from those who had received from the thieves. We have no doubt that it was an arrangement which you thought was going to be profitable and your greed and foolishness, in equal proportions, led to these offences.

We are going to mark the Court's displeasure not by imposing a fine but by imposing what is properly regarded as an alternative to prison. We think that offences of this nature, if they involve large amounts of goods, would merit a prison sentence, but, because of the relatively small amount of goods, we are not going to impose such a sentence in this case.

We think, therefore, that justice will be done if you have time to think about what you have foolishly done in the past and make a contribution to society by way of punishment. Accordingly, we distinguish between Armitage, Campbell and Frame

who actually received from the thieves and the other three who received in turn from them, in various proportions.

Accordingly, you are all placed on probation for 1 year to live and work, as directed by your Probation Officer, and to be of good behaviour during that period, which means if you commit any other offence and come up here you can be punished for this offence.

Armitage, Campbell and Frame will do 180 hours community service within that year and Edwards, Griffin and McManus you will do 120 hours community service.

Authorities Cited

Thomas - Current Sentencing Practice: pp.2359-2360.

B.6-5.2: Wilson (1980) 2 Cr. App. R. (S) 196.

B6-5.3(C): Khemlani (1981) 3 Cr. App. R. (S) 208.