

344.28 *Persons in public places etc. Persistent offenders*

Post-2016 guideline cases

R v Rigby 2017 EWCA Crim 2001 D pleaded (full credit) to an offence of theft. D and an accomplice, R, visited a bowling alley in the afternoon with a pram full of tools. R acted as look-out whilst D cut metal padlocks and removed cashboxes from arcade machines. A total of £528.30 was stolen. The pair were stopped around two weeks later on a motorway. In the car were two bolt-cutters, a crowbar, croppers and a pushchair. D was aged 31 at the time of the appeal and was a persistent thief. He has convictions for 56 offences of theft and similar and he received an 18-month prison sentence in 2014. The Judge considered it appropriate to sentence D outside the guideline (1-year starting point) on the basis that he was a career criminal with multiple previous convictions for exactly the same type of offence. Held. The Judge was entitled to sentence outside the guideline, treating the previous convictions as a serious aggravating factor. However, the sentence must bear some proportionate relationship to the offence committed and the circumstances of the defendant. We start at 3 years not 4, so with the plea, **2 years** not 2 years 8 months.

R v Hadidi 2018 EWCA Crim 1392 D pleaded to 34 thefts. In October 2017, he was sentenced to 2 years for each. From June 2014 to March 2017, he stole principally lap tops from people in central London pubs and wine bars. The total value was at least £36,900. In interview he said he sold the laptops for £80 each to buy drugs. In July 2017, D was sentenced to 30 months for eight thefts and one attempted theft. The eight offences were identical to the 34 offences and committed between April 2015 and April 2017. The total for both sets of offences was at least £44,000. The two sentences were made consecutive making 4 ½ years which, before full plea discounts, would have been 6 years 9 months. D was aged 35 and was an illegal immigrant from Algeria. In 2011, he was convicted of shoplifting (community order). In 2013, he breached that. Held. The starting Category was 2A. Harm is assessed not only by reference to value but also the significant harm suffered by the victims, namely the loss of items of substantial value, the high level of inconvenience and the distress caused. That made it Category 1. Before the plea discount, we arrive at 5 years 3 months, so with plea discount **3 ½ years**.