

271.1

Consultation paper In April 2014, the Sentencing Council produced a consultation paper for theft offences including handling. The consultation period ends on 26 June 2014.

271.11 Monetary value over £100,000

R v Keny 2014 EWCA Crim 498 D pleaded to four handling counts. Police examined shipping containers which were about to be exported. They found five cars with D's fingerprint on them. Three cars were stolen during domestic burglaries¹. One car was stolen when X was being given a test drive in an Audi and at the end when the owner left the car, X just drove the car off. The value of the cars was £21,000, £18,500, £31,600 and £50,000 making £121,100 in all. In a basis of plea it was contended that a) D did not know the goods were taken during a burglary, b) D's role was to tidy the cars for sale and c) for this he was paid £10 for each car. This was not accepted but no *Newton* hearing was ordered. D was aged 43 with 11 driving related convictions. Held. This was an organised operation covering a large geographical area. The system was used regularly. The basis of plea must be accepted because no *Newton* was ordered. Starting at **4 years** not 5, with the plea **3½ years** not 4½.

271.13 Persistent offenders

See also: *R v Stockton 2014 EWCA Crim 321* (Plea to handling. Proceeds of a burglary. Value about £300. Arrested near the property soon after the burglary. Aged 37. Appalling record including 27 convictions for 99 offences from 1992 to 2013. Four handling offences and six dwelling burglaries. The proximity in time and distance to the burglary aggravated the offence. Starting at 3 years, with full credit for the plea, **2 years** was not manifestly excessive.)

¹ It is not possible to reconcile the various details about the cars unless one assumes a sentence in para 2 should have referred to burglaries and not one burglary. Ed.