

ROYAL COURT
(Samedi Division)

109.

25th June, 1992

Before: The Bailiff and
Jurats Orchard and Gruchy

H.M. Attorney General

- v -

Alexander Campbell Reynolds Reid

The accused pleaded not guilty to one count of receiving stolen property on 1st May, 1992; on 28th May, 1992, following a change of plea to guilty, he was remanded to receive sentence.

AGE: 34.

DETAILS OF OFFENCE:

One of eight receivers of stolen electrical goods from Metropolitan Distribution. With Andrew Armitage, took possession of a van from perpetrators and unloaded the same at Armitage's house. Admitted receiving four items valued at £490 for his personal use.

DETAILS OF MITIGATION:

Other receivers given Community Service (first time offenders). Good work record. Happily married with four children. Probation's strong recommendation for Community Service.

PREVIOUS CONVICTIONS:

Extensive. Including three previous for receiving, the most recent in 1990 when sentenced to four weeks' imprisonment.

CONCLUSIONS:

Because of record - 6 months' imprisonment.

SENTENCE AND OBSERVATIONS OF THE COURT:

4 months' Imprisonment.

J.A. Clyde-Smith, Esq., Crown Advocate.

Advocate A.D. Hoy for the accused.

JUDGMENT

THE BAILIFF: It is clear to the Court that there was a small gang of receivers who placed orders for goods knowing full well they were going to be stolen and co-operated fully with the thieves.

That being so, there is nothing wrong in principle in receivers receiving for those offences a prison sentence. Therefore the Court started by asking itself the question: should receiving of this nature normally attract a prison sentence? The answer to that was, clearly, yes. It was a clear case of dishonesty and greed and the Court had no hesitation in deciding that ordinarily a prison sentence should follow the event.

However, the Court then considered whether there were mitigating factors which would enable the Court to depart from that principle. First, the Court had to have regard to the fact that when Reid's co-accused were dealt with by the Royal Court they were given Community Service and it had to ask itself whether there were sufficient mitigating factors to enable the Court to do that in Reid's case.

The Court considers that inevitably there must have been a decision by the Court before whom the co-accused appeared that a prison sentence would normally be imposed for receiving of this nature, but because of their previous records - that is to say they were of previous good character - it was possible for that sentencing Court to reduce the conclusions, if they were for prison, and impose instead a sentence of Community Service whether it was asked for or not.

So far as this case is concerned, the Court cannot find such mitigating factors that would entitle it to change the principle of prison but the Court does find it possible to reduce the sentence slightly and accordingly imposes a sentence of four months' imprisonment.

No authorities.