

of the amended orders would be announced with our reserved judgment. We have now received that detail.

Bones

On April 7, Pilchers J. gave the following reasons for reducing the sentence of imprisonment passed on Bones:

- a. This 18-year-old appellant pleaded guilty to one count of dwelling house burglary and one of the handing stolen goods in the Basingstoke Magistrates' Court and was committed to the Crown Court for sentence. On 17th December 2004 at the Crown Court at Winchester he was sentenced to a total of three years' custody and made subject to an Anti-Social Behaviour Order for a period of five years to run from the date of his release.
- b. The events of burglary were committed during the morning of 23rd October 2004 at an unoccupied house in Basingstoke. The appellant and another entered through a kitchen window and carried out an untidy search, stealing items to the value of £4,800, some of which were of great sentiment value to the owner. When the appellant was arrested a watch, which had been taken during the burglary was recovered from him.
- c. There was another burglary the next day from a house in Basingstoke. When the appellant was arrested, his home was searched and property from that burglary was recovered. He admitted buying these items knowing they were stolen.

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R. v DEAN BONES AND OTHERS

The appellant has a number of previous convictions. He was before the courts on six occasions during 2002, 2003 and 2004 for offences involving vehicle crime, attempted burglary, an offence of violence, handling stolen goods and using threatening behaviour. He received a series of community orders and in respect of two of them he was in breach by reason of these offences.

The judge heard evidence in addition to that which he found sufficient to make the ASBO as we have indicated. That, as we have also indicated, will be considered in detail and in principle on a later occasion.

For the purposes of today's hearing, we deal simply with the custodial sentence. It is argued by counsel that the sentence of three years was too long following a very early plea of guilty. Applying the principles contained in the well-known case of *Mainerney* we are satisfied that this sentence for offences in respect of which early pleas had been entered is too long. Bearing in mind the clear refusal of the appellant to comply with community orders, a sentence of custody was inevitable.

However, the dwelling house burglary, although of quite high value and causing considerable distress, fell into the category of an offence committed by a first-time burglar, albeit with those two aggravating features. There was also the receiving of stolen goods which the appellant must have known had come from a dwelling house burglary. The total sentence appropriate for that offending, in our judgment, would be one of 18 months.

We therefore allow the appeal to the extent of reducing the sentences to 18 months and six months concurrently. To that extent, as we say, the appeal in relation to the custodial term is allowed."

The ASBO was in the following form:

"The court found that

- (i) The defendant had acted in an anti-social manner which caused or was likely to cause harassment, alarm, or distress to one or more persons not of the same household as himself as shown by: