

UNIT 03F: LAW

For information only, not to be translated: The following text consists of a judgment given on 22nd June 2006 in the Court of Appeal Criminal Division. Lord Justice Moore-Bick was speaking on behalf of all three Lords Justices. Translate into your target language for inclusion in a book on the English legal system.

TRANSLATION TO BEGIN HERE:

1. Lord Justice Moore-Bick: On 16 August 2005 in the Crown Court at Saint Albans before His Honour Judge Catterson the appellant was convicted on an indictment containing eight counts and was sentenced as follows: on count 1 (possessing a prohibited weapon) to seven years' imprisonment; on counts 2, 3 and 4 (possession of a firearm without a certificate) to three years' imprisonment in each case, concurrent with each other but consecutive to the sentence imposed on count 1; and on counts 5 to 8 (possession of a firearm when prohibited) to three years' imprisonment in each case concurrent and concurrent to the sentence imposed on count 2. The overall effect of those sentences, therefore, was that the appellant was ordered to serve a period of ten years' imprisonment.
2. He now appeals against sentence by leave of the single judge.
3. The circumstances giving rise to these convictions were as follows. On 21 August 2004 the police searched the house of a woman with whom the appellant had had a relationship and also the surrounding area. On a piece of land near the back garden of the house they found hidden under some bushes a sawn-off double barrel shotgun wrapped in plastic. A further five guns were found in the garden shed. In the shed were also some cartridges. All the cartridges were suitable for use in the guns which they had found. At the time these weapons were found the appellant was prohibited from possessing any firearm by reason of his previous convictions.
4. [...]
5. The grounds of appeal are that it was wrong in principle to impose consecutive sentences for different offences which formed part of a single course of conduct and that the sentence was manifestly excessive in its totality.
6. The maximum penalty for possessing a prohibited weapon is ten years' imprisonment.

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- 30 7. Although these were separate offences, in reality this appellant was convicted of possessing a substantial arsenal of weapons. In our view, therefore, the better course would have been to treat this as a single course of criminal conduct and to order that sentences imposed in respect of the individual offences be served concurrently. Nonetheless, the nature of this activity was such as to call for a lengthy sentence, albeit, in our view, somewhat shorter than that imposed by the judge.
- 35 8. We, therefore, propose to increase the sentence passed on count 1 to a term of eight years' imprisonment but to order that the sentences imposed on all the other counts be served concurrently with it. The effect of that will be to reduce the overall sentence from ten years' imprisonment to eight years' imprisonment.

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