

ENGLAND AND WALES / JUDGMENT

R v Robert Michael Thomas

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MS G COMPTON appeared on behalf of the Appellant. The Crown were not represented.

A P P R O V E D J U D G M E N T MR JUSTICE PEPPERALL: 1 On 30 July 2025, in the Crown Court at Inner London, Recorder Mercer sentenced the appellant to a total of 43 months' imprisonment for five offences of theft, contrary to section 1 of the Theft Act 1968; five offences of breaching a criminal behaviour order, contrary to section 339 of the Sentencing Act 2020; and one offence of possession of a controlled drug of class B, contrary to section 5 of the Misuse of Drugs Act 1971. The appellant now appeals against sentence with leave of the single judge. The facts 2 The appellant, now aged 39, is a prolific thief. When he came to be sentenced for these offences, among 121 different offences, the appellant had 26 previous convictions for theft and other offences of dishonesty including five offences of burglary. Further, the appellant had an appalling record of failing to comply with court orders. In particular, he had no fewer than 21 previous convictions for breaching a criminal behaviour order. 3 On 3 February 2025, the North London

Magistrates' Court sitting at Highbury Corner made a Criminal Behaviour Order prohibiting the appellant from entering or alighting at Kings Cross, St Pancras and Euston stations, including the forecourts and shops at those stations. 4 The fresh theft offences involved in each case shoplifting from stores at St Pancras or Kings Cross on five different days between 14 November 2024 and 21 June 2025. The first three offences of theft were committed at St Pancras between 14 and 26 November and on 30 December 2024. Goods ranging in value from £90 to £263 were stolen. The appellant was then made the subject of the Criminal Behaviour Order on 3 February. A further theft was committed on 28 February 2025 at St Pancras stealing goods worth £364. Such offence was also now in breach of the newly imposed Criminal Behaviour Order. The appellant further breached the order by being at the station on 6 March 2025. He was arrested and later released, but the appellant was back at St Pancras in breach of the order the very next day. Again, he was arrested and released. The fourth breach of the order was committed by being at Kings Cross Station on 4 June 2025. 5 On 21 June 2025, the appellant stole goods worth £954 from a store at St Pancras. Again, that put him in breach of the Criminal Behaviour Order. On 3 July 2025, the appellant was arrested trying to enter a store at Kings Cross in further breach of the order. Upon arrest, he was carrying a small bag of amphetamine. The sentence 6 The appellant pleaded guilty to all offences. Although not all pleas were entered at the first opportunity, the Recorder gave full credit for all pleas. He referred to the guidelines issued by the Sentencing Council for offences of theft and for breach of a criminal behaviour order. The Recorder considered that the breaches of the criminal behaviour order were high culpability offences in that the offending was persistent. With one exception, he identified that the breaches were medium harm offences. Accordingly, the starting point was 12 months' imprisonment with a custody range of up to 2 years' imprisonment for each of those offences. The judge indicated that in view of the appellant's previous convictions, the appropriate sentence after a trial for a single offence was 18 months, but that after credit for plea the sentence would have been 12 months' imprisonment. 7 The Recorder treated the June breach differently since on that occasion the appellant had simply been sitting at the station in breach of the order. This was, therefore, a lower harm case with a starting point of 12 weeks' imprisonment and a sentencing range of up to one year. Again, the sentencing was aggravated by the previous convictions and the Recorder considered that the appropriate sentence after trial was 9 months' custody, which he reduced to 6 months after credit for the appellant's plea. 8 The Recorder treated the thefts themselves as medium culpability offences. With one exception, these were category 2 harm cases in view of the value of goods stolen. While taken individually such offences might well have been dealt with by fines or community orders, such disposals had been tried many times by various Magistrates' Courts over the years and yet the appellant continued to offend and failed to comply with the community orders that had been imposed. Furthermore, these offences were mostly committed in breach of a recently imposed criminal behaviour order. Accordingly, the judge concluded that the sentences had to be custodial. He indicated that the sentence for each theft after trial would have been 3 months' imprisonment and that after credit for his pleas the appropriate sentence was 2 months for each theft. As to the drugs, the Recorder identified the appropriate sentence after trial as 3 months' imprisonment, which he reduced to 2 months to reflect credit for the appellant's guilty plea. 9 The Recorder ordered that the sentences imposed in respect of the five breaches of

the criminal behaviour order should be consecutive to each other but concurrent with the shorter sentences imposed for the theft and drugs offences. That would have led to a total sentence before further adjustment of 4½ years. The judge then considered the principle of totality and reduced each of the 12 months' sentences to 10 months, and the 6-month sentence to 3 months, thereby making his final sentence for this offending of 43 months' imprisonment. The appeal 10 By this appeal, the appellant argues that the overall sentence was manifestly excessive and was not just and proportionate when balancing the scope of the offending behaviour. Gabrielle Compton, who appears before us as she did below, argues pithily that although the judge considered totality, he failed to make adequate adjustment to the individual sentences. 11 Like the Recorder, we agree however, that the appellant's persistence in shoplifting and his utter contempt for the Criminal Behaviour Orders made by the court could only properly be dealt with by a significant sentence of imprisonment. We acknowledge that some judges might have imposed a shorter sentence, but the time had come for condign punishment and, in our judgement, the sentence of 43 months' imprisonment was not manifestly excessive. 12 We therefore dismiss this appeal against sentence.

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