

## **Handling stolen goods**

There are two directions in this file;

- (1) where the only issues are dishonesty and knowledge/belief; and
- (2) where receipt, dishonesty and knowledge/belief all in issue

### **(1) Handling - where the only issues are dishonesty and knowledge/belief**

#### **Handling Stolen Goods**

“dishonestly received stolen goods ... knowing or believing the same to be stolen goods”

In this case, there is no dispute that

1. The car which we have heard about was stolen; and
2. D\*\* received it – he did that by buying it and then trying to sell it on.

So, the only matters which you have to consider are

- (a) whether he acted dishonestly; and
- (b) whether, when he did so, he knew or believed that it was stolen.

“dishonestly” is an ordinary English word.

You simply have to ask yourself whether the defendant was acting dishonestly in buying and trying to sell the car.

If you are not sure that he was acting dishonestly, you must return a verdict of not guilty.

If you are sure that he was acting dishonestly, you should move onto the second issue.

whether D\*\*, at the time that he bought the car, knew or believed that it was stolen. It is for the prosecution to make you sure that he knew or believed it was stolen. You can and should take into account the surrounding circumstances - but mere suspicion is not enough.

So, the key questions for you to answer, having regard to all the evidence and the directions which I give you are

Was D\*\* acting dishonestly?

Did he know or believe that the car was stolen?

If you are sure the answer to both questions is “yes”, he is guilty.

If the answer to either question may be “no”, he is not guilty.

## **(2) Handling - receipt, dishonesty and knowledge/belief all in issue**

### Handling stolen goods

“dishonestly received stolen goods ... knowing or believing the same to be stolen goods”

In this case, there is no dispute that the \*\*\* about which we have heard was stolen. We have the admission that C\*\* was robbed on \*\*\*.

So, the three matters which you have to consider are

(a) Did D\*\* receive the \*\*\*?

D\*\* seems to accept that the \*\*\* was in his flat when the police searched it, but he says that he did not know that it was there. He thinks that X\*\* put it there without his knowledge. In these circumstances, someone receives goods if he has control over them. If something is in a person's flat and he knows that it is there, he has control over it. However, it is impossible to “receive” an item, without knowing about it. So, you must consider whether or not D\*\* knew that it was in his flat. If he did not, he did not receive it, and he is not guilty. But if you are sure that he did know that it was in his flat, then you should move on to the next question.

(b) Did D\*\* act dishonestly?

“dishonestly” is an ordinary English word. You simply have to ask yourself whether the defendant was acting dishonestly at the time when the \*\*\* was in his flat. The prosecution say that he was acting dishonestly, whether he was looking after the \*\*\* for X\*\*, or keeping it for himself. D\*\* denies this – he says that\*\*\*. If he was not acting dishonestly, he is not guilty. But if you are sure that he was acting dishonestly, you should move onto the third issue.

(c) Did D\*\* know or believe that it was stolen?

You have to consider whether D\*\*, at the time when the \*\*\* was in his flat, knew or believed that it was stolen. It is for the prosecution to make you sure that he knew or believed it was stolen.

You can and should take into account all the surrounding circumstances - but mere suspicion is not enough.

So, the key questions for you to answer in relation to Count \*, having regard to all the evidence and the directions which I give you are there

- (i) Did D\*\* know that the \*\*\* was in his flat?
- (ii) At that time was he acting dishonestly? and
- (iii) Did he know or believe that it was stolen?

If you are sure that the answer to all three questions is “yes”, he is guilty of Count \*. If the answer to any question may be “no”, he is not guilty.