

Theft

This file contains three directions

- 1, A basic definition of theft;
- 2, A shoplifting direction; and
- 3, Theft, with handling as an alternative.

Theft

A person is guilty of theft if she dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it.

There are four words or phrases in this definition to which I should refer.

dishonestly – this word bears its ordinary, natural meaning. You must ask yourselves whether you are sure that D** was acting dishonestly in relation to the **.

appropriate – this word simply means take. If D** took a quantity of ** from C**, that was an appropriation.

property belonging to another - it is not disputed that the **found under D**'s mattress belonged to C**.

intention permanently to deprive - in this case, that simply means intending to keep and/or use the **.

C** gave evidence that ***.

D** gave evidence that ***.

If C**'s evidence is truthful, D** is guilty of theft. If D**'s evidence may be truthful, she is not guilty of theft.

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

Did D** take a quantity of ** from C**?

Was she acting dishonestly when she did so?"

If you are sure that the answer to both questions is “yes”, the defendant is guilty. If the answer to either question may be “no”, she is not guilty.

Theft (shoplifting)

A person is guilty of theft if she dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it

I will break that down into four parts

Dishonestly

This word bears its ordinary natural meaning.

You must ask yourselves whether you are sure that the defendant was acting dishonestly.

Appropriate

This simply means take – taking goods in a shop and putting them into a trolley is an appropriation.

Property belonging to another

There is no dispute that the goods belonged to **.

Intent to permanently deprive

This raises one of the key issues. Did the defendant intend to pay? If she intended to pay, she had no intention of permanently depriving ** of the goods. If, however, as the prosecution say, she had no intention of paying, she did intend to permanently deprive ** of those items.

There is no legal requirement that a shopper leaves the shop before being arrested for theft – although the fact that a shopper has left a shop without paying is evidence which may support the prosecution case that she did not intend to pay and so intended to permanently deprive the shop.

So, the key questions for you to answer are

Was D** acting dishonestly?

Did she intend to leave ** without paying for the shopping in her trolley?

If you are sure that the answer to both questions is “yes”, she is guilty.
If the answer to either question may be “no”, she is not guilty.

Theft (Handling as an alternative)

Count 1 Theft

A person is guilty of theft if he dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it.

There are four words or phrases in this definition to which I should refer.

dishonestly – this word bears its ordinary, natural meaning. You must ask yourselves whether you are sure that D** was acting dishonestly in relation to what he did.

appropriate – this word simply means take. If D** took the ***, that was an appropriation.

property belonging to another - it is not disputed that the *** belonged to C**.

intention permanently to deprive - in this case, that simply means intending to keep and/or use the **.

The prosecution case is that ***. If you are sure that is what he did, he is guilty of theft. D** denies this. He says that he ***. If what he says may be what happened, he is not guilty of theft.

However, if you do not accept his explanation *** and are sure that he was in possession of the ** soon after it was stolen, you can infer or conclude that he was acting dishonestly.

D** also faces in the alternative Count 2, a charge of handling.

This is an alternative.

You cannot find him guilty of both Counts 1 and 2.

You can only find him guilty of handling if he is not guilty of theft.

Count 2 - 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 ** was stolen, or that D** received it. ***

So, the only two matters which you have to consider in relation to Count 2 are

(a) Did D** act dishonestly?

That has the same meaning as in relation to Count 1.

(b) Did D** know or believe that the ** 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.

Again, if you do not accept D**'s explanation for having the *** and are sure that he was in possession of the ** soon after it was stolen, you can infer or conclude that he was acting dishonestly and that he knew or suspected that it was stolen.

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

Did D** play some part in taking the ***?

If you are sure that the answer is “yes”, he is guilty of Count 1 (theft). If the answer may be “no”, he is not guilty of theft, but you should consider the next two questions.

Was D** acting dishonestly? and
Did he know or believe that the *** was stolen?

If you are sure that the answer to both questions is “yes”, he is guilty of Count 2 (handling). If the answer to any question may be “no”, he is not guilty of any offence.