

JUDGMENT

Hooper L.J.: On April 7, 2005 we reduced the sentence of imprisonment passed on the appellant Dean Boness and adjourned the appeal against the making of an anti-social behaviour order (“ASBO”) to enable the CPS to instruct counsel who would be able to give us both general assistance about ASBOs and specific assistance about the ASBO in this case. We resumed the hearing on July 5, 2005 and announced, at the conclusion, that the ASBO was quashed for reasons which we would give later. Mr Rees had prepared a comprehensive skeleton argument and we are particularly grateful to him for his help and to those in the Home Office who have assisted him. We have incorporated much of what he wrote into the judgment.

- 1 On July 5, we also heard the appeals of Shaun Anthony Bebbington and others. We granted leave to appeal and any necessary extensions of time. At the conclusion of the hearing we announced our decision to reduce the sentence of 2 years’ imprisonment passed on Lee William Schofield and substitute for it a sentence of 18 months’ imprisonment. We took the view that a sentence of that length was sufficient. That was the only sentence of imprisonment which we were asked to consider (the other appellants had served their sentences). We quashed all the ASBOs other than those in respect of Schofield and Ian Jeremy Stuart Bruce. In these two cases we announced that we would alter the terms of the orders substantially but, given that we needed further material, we said that the precise detail of the amended orders would be announced with our reserved judgment. We have now received that detail.

Boness

- 2 On April 7, Pitchers J. gave the following reasons for reducing the sentence of imprisonment passed on Boness:

“1. 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.

2. 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 sentimental value to the owner. When the appellant was arrested a watch, which had been taken during the burglary was recovered from him.

3. 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.

4. 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.