



JUDICIARY OF
ENGLAND AND WALES

IN THE SOUTHWARK CROWN COURT

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-v-

EDWARD MAHER

SENTENCING REMARKS OF MR JUSTICE NICOL

5TH MARCH 2013

You have pleaded guilty to one count of theft.

In January 1993 you were working for Securicor. On 22nd January you and a colleague were entrusted with making deliveries of cash to various banks and other places in Suffolk. Over a million pounds in cash was loaded into the van.

You went to the Lloyds bank in Felixstowe where your colleague got out and delivered the money which had to be deposited there. He was away for only a short time. When he returned the van, the remaining cash (about £1.17 million), and you had all disappeared.

A few streets away the cash was apparently transferred from the van to another vehicle. Access to the rear of the Securicor van must have been gained with your assistance. Another transfer was made a little further still. Parts of a discarded uniform, no doubt yours, were found nearby. It is plain that this theft was well planned and several of you were involved in this joint enterprise.

None of the stolen cash has been recovered.

You disappeared.

The week before the theft, your partner and your young son had flown to the United States. Within a short time you had joined them.

You adopted your brother's identity and took advantage of his Green Card. You adopted a second alias. Your partner also took up a false name.

And there matters rested until February 2012 when you were arrested at the place where you were then living in Missouri, USA.

You were originally arrested by the US authorities on suspicion of immigration and firearms offences.

For many years there had been a warrant outstanding for your arrest. Your extradition was sought from the US, although in the end you were returned to the UK voluntarily on 10th July 2012.

Initially you pleaded not guilty and you served a defence case statement. Your trial was due to start on 4th March. However, on 6th February of this year (and so about a month before the trial was due to commence) your solicitors wrote to the Court and said you wished to change your plea to guilty. You have done that this morning.

You are now 57. Before this crime was committed you had been convicted of 10 other offences on 4 previous occasions. Three of them were convictions when you still a juvenile. The last was for robbery, but the sentence of 12 months suspended imprisonment suggests that it was not of the most serious kind. As importantly, that conviction was in 1977 and so some 16 years before the offence for which I have to sentence you. In all these circumstances, I do not consider that any of these previous convictions significantly aggravates the present offence.

I am told that in your teenage years you joined the army and served two tours in Northern Ireland. You were then in the fire service. Both occupations will have involved commendable public service. You then ran a pub in Kent, but the pub was damaged, you had to sell up and debts started to accumulate.

The temptation to commit the present offence must have been too great. It will be for the confiscation proceedings which will follow in due course to decide quite how much was your benefit from this theft. You told the authorities after your arrest that you only received £40,000. Your wife has said it was about £200,000. If she is right, you made a very substantial gain even if, as you have also said, the money has gone over the intervening period.

I have heard that you have impressed many who knew you in the US, but who knew nothing of your past. Your wife or partner has stood by you. She and your two sons will be pained by the sentence that I will have to pass. But it is unfortunately a common occurrence that those who commit crimes cause pain and distress to those who are close to them.

The maximum sentence for theft is 7 years imprisonment.

The Sentencing Council has issued a guideline for theft in breach of trust. Where the amount involved is £125,000 or more or theft of £20,000 or more in breach of a high degree of trust the starting point after a trial is 3 years custody and the sentencing range 2 – 6 years. In your case, there was a gross breach of trust. The amount involved was very, very substantially more than either of these starting points. There was detailed planning a group of you were involved. I have considered whether the

interests of justice mean that I should go beyond this range because of these aggravating features. I have though, concluded that a starting point after trial at the very top of the range will properly reflect the seriousness of the offence.

You are entitled to credit for your plea of guilty – not as much as if you had pleaded at the first reasonable opportunity, but more than if you had first indicated your change of plea at the beginning of your trial. Your counsel has suggested that somewhere between 15% -20% would be appropriate and I agree that a reduction of a little more than 15% is right.

Your counsel has submitted that I should make further allowance for the 5 months or so which you spent in custody in the USA. I have heard what he has had to say, but I do not accept it. You were held in the US on suspicion of committing offences against US immigration laws (because you entered and lived there under one or two false names) and US firearms legislation (because the licence which you had obtained for them was in a false name). To put it at its lowest, there were reasonable grounds to believe you had committed those offences. I am told that they were matters for which you could have been imprisoned if you had been convicted of them. You were not arrested for the theft until you returned to the UK. In all these circumstances, I make no alteration to my sentence to reflect the time in custody in the US.

The time in custody in the UK is different. The present legislation means, as I understand, that this will be credited automatically against your sentence, but if there is any doubt, I make it clear that this period should be set against the time you are required to serve. As will have been explained to you, at the half way stage of this sentence you will be released on licence. If you then commit any further offence or otherwise breach your licence, you may be re-detained.

Stand up.

Edward Maher for the offence of theft I sentence you to 5 years in prison.