



THE COURT OF APPEAL

The President
Birmingham J.
Sheehan J.

308/12

Between/

The People at the Suit of the Director of Public Prosecutions

Respondent

V
Keith Meehan

Appellant

Judgment of the Court (ex tempore) delivered on the 12th day of November by Birmingham J.

1. In this case Mr. Meehan appeals against the severity of a sentence imposed upon him. The sentence that he is appealing is one of ten years imprisonment with the last three years suspended. The judge in the Circuit Court found himself dealing with six separate incidents, five robberies and one attempted robbery.
2. In very brief summary, the circumstances of the offences are that on the 14th June, 2010 at Mark Ellis Pharmacy, Mr. Meehan, accompanied by an accomplice with an imitation firearm, which was apparently a submachine gun designed to discharge plastic bullets that was not working, entered the premises. The appellant then went behind the counter in the pharmacy and stole 700 tablets and €80 in cash.
3. There are also a number of incidents dealt with on Bill 1317/2011. On the 30th July, 2010 he entered, with an accomplice, a shop in Knocklyon Service Station. He had an imitation firearm in a plastic bag and, although it seems that no staff member actually saw the firearm, they were told "get behind the tills or you will be shot". €900 in cash was stolen in that incident. Then on the 9th August, 2010 along with another person he entered Flood's Bookmakers, brandishing an imitation firearm and shouting "give us the money, open the safe", and in that robbery €3,000 was taken. Then again on the 22nd August, 2010, at Odd Bins off-licence along with another person he entered the premises. He had his hand in his pocket in order to give the impression that he had a weapon. He did not have a weapon in fact, and in this incident €850 in cash along with cigarettes and vodka was taken.
4. It is the case that he admitted the Knocklyon Service Station, Flood's Bookmakers and the Odd Bins incidents when questioned by Gardai. It is also the case that those admissions were of value, and indeed it seems to be the situation that without those admissions there would not be the evidence necessary to charge him.
5. Then on the 5th September, 2010, at a Spar shop in Woodbine Park, he entered, again with another person, carrying a bag and pointing it so as to give the impression that he was pointing a gun. In fact he was pointing his finger, though it is the situation that the accomplice had what was described as a toy gun. €347 was taken in that incident.
6. Finally on Bill 1186/2011, there was an attempted robbery on the 23rd April, 2011 when he entered O'Sullivan's Pharmacy, Ballymount Road. He had an imitation firearm. The owner of the premises, who seems to have been a resolute and doughty individual, pressed the panic button and the result was that Mr. Meehan was arrested shortly afterwards.
7. In terms of his personal circumstances, he was born on the 17th April, 1978. It is not in dispute that he has a very serious drug addiction. It is said that he started abusing drugs at the age of 13 and moved on to heroin abuse by the age of 16.
8. In June 2010, he was released from prison after serving a five and a half year sentence, but he committed the Ellis Pharmacy offence within a very short period time following his release. So far as his previous convictions are concerned, he has 61 previous convictions of which no less than 16 are for robbery.
9. The grounds of appeal set out in the written submissions, amplified here today in oral argument, are that the trial judge did not locate the gravity of the offence on the scale and mitigated with the result that that led to an unduly severe sentence, that there was insufficient credit for an early plea, and that there was insufficient consideration of the possibility of rehabilitation.
10. It is pointed out that he made valuable admissions and that there was an early plea. It is fair to say, really, that the kernel of the case that is made on his behalf is that this was an early plea situation, that disclosure was not sought, that there was no request to view CCTV footage and it is said that there was in adequate emphasis on the value of that early plea.
11. So far as the D.P.P. is concerned, it is submitted that the sentence imposed fell within an acceptable range and that there was no question of the sentence that was imposed being excessive.
12. These were by any standards very serious offences. The trial judge referred to the fact that robberies committed with imitation firearms put the fear of God into people, and that was a striking and telling phrase. These very serious offences were committed by somebody with a very bad record and the fact that the first of them in time, the Ellis Pharmacy offence, was committed so soon after he was released having served a significant prison sentence meant that there had to be a substantial custodial sentence.
13. It is the view of the Court that the sentence imposed was not excessive, indeed it may well be that a somewhat higher sentence would not have been interfered with. The trial judge was conscious of the factors that were present in mitigation and referred to them expressly, being the early plea of guilty and the assistance that was offered in the admissions made.
14. It seems to us that the trial judge balanced the factors in an appropriate fashion and that there is no basis for an intervention by this Court.