

22.5/83

## SUPREME COURT OF QUEENSLAND — COURT OF APPEAL

***R v HUGHES*****McPherson J****1983 — CSM 3/1983****SENTENCING – THEFT OF A PAIR OF RUBBER THONGS VALUED AT 73 CENTS – NO PRIOR CONVICTIONS – CHARGE OF A TRIVIAL NATURE – DEFENDANT RELEASED ON A BOND TO BE OF GOOD BEHAVIOUR.**

H. aged 17 years appealed against his conviction and release on probation for stealing a pair of rubber thongs valued at 73 cents the property of GJ Coles & Co Ltd. It appeared that H. had gone to the Coles' store to purchase other items, saw the thongs, and as he was not wearing any at the time, took the thongs and placed them on his feet. He was intercepted by a security officer as he left the store and was later charged with theft. When the matter came on for hearing, H. pleaded guilty; he was unrepresented, had no previous convictions, and it was not suggested that the offence was a premeditated one. The Appeal Court took the view that the offence was of a "trivial nature" within the meaning of s657A(1) of the *Criminal Code* (Q'ld), and discharged him upon entering a \$250 recognizance to be of good behaviour for 12 months.

**McPHERSON J:** "Such a conclusion may not be welcome to shopkeepers, owners of supermarkets, or, indeed many other members of the community, because it may have the practical consequence that the stealing of property of no great value becomes an offence that may be committed perhaps repeatedly and with impunity if not followed by any recorded conviction or penalty."

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