

Handling Stolen Goods and Dealing with Property Suspected of being Proceeds of Crime

In Victoria, criminal proceedings, from the most serious to minor, are commenced and conducted under the *Criminal Procedure Act 2009* (Vic). Being charged with a criminal offence can be traumatising. Serious criminal charges are called indictable offences and being charged with an indictable offence can have serious consequences for the accused. You could go to jail if you are found guilty. Before entering a plea it is important to get expert legal advice as a competent defence can often lead to a less harsh penalty, acquittal or even the withdrawal of charges. Even if you plan to plead guilty you should speak to a lawyer who will be able to obtain the brief of evidence against you in order to determine the strength or weakness of the prosecution's case. A lawyer may also be able to negotiate with the prosecution to your benefit.

Two commonly heard criminal charges are Handling Stolen goods and Dealing with property suspected of being proceeds of crime. Being found guilty of either offence can have serious consequences and you should seek legal advice immediately to ensure your legal rights are protected.

Handling stolen goods

Handling stolen goods is an offence under the *Crimes Act 1958* (Vic) s88. The offence has the following four elements:

- a. The accused handled goods;
- b. The goods were stolen goods at the time that the accused handled them;
- c. The accused knew or believed at the time that he or she handled the goods that they were stolen goods; and
- d. The accused's handling of the goods was dishonest

A person guilty of handling stolen goods is guilty of an indictable offence and liable to up to 15 years imprisonment.

Dealing with property suspected of being proceeds of crime

Dealing with property suspected of being proceeds of crime is an offence under the *Crimes Act 1958* (Vic) s195. The charge is generally laid in situations where a person deals with property and there are reasonable grounds to suspect that the property is the proceeds of crime.

To be guilty of the charge the prosecution must show that the accused has dealt with property and that there are reasonable grounds to suspect that the property is the proceeds of

crime. There is a maximum penalty of 2 years imprisonment for a person found guilty of the charge.

A Competent Defence

An accused will benefit from consulting a competent criminal defence lawyer. A consultation will help the accused understand the charges filed, available defences, which charges are likely to be dropped, and what is likely to happen in the event of conviction. A guilty verdict can lead to a loss of freedom and a permanent criminal record. Recently, a client at *Coolabah Law Chambers* was charged with both offences (S.195 and S.88). We successfully negotiated with the Informant and Prosecutions for the withdrawal of the more serious offence (S.88 offence). Instead of facing a maximum penalty of 15 years imprisonment, the client only faces a charge with a maximum penalty of 2 years imprisonment.

It is important that you choose a competent criminal lawyer to represent you. A competent lawyer will be able to assess the strengths and weaknesses of the charge(s) against you and advise you accordingly. The risks involved in not seeking competent legal advice, in criminal matters, is far too serious and should be avoided.

Baljit Singh
(The law as it stands in October 2013)