

JERSEY / JUDGMENT

1999/151B - AG v Andrade [1999]

UR 151B (10 September 1999)

[1999] UR 151B

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JUDGMENT

THE DEPUTY BAILIFF: Despite Mr Grace's very helpful argument, however we look at the facts of this case we can only see a prolonged and deliberate use of deceit to plunder public funds which are designed to help those who really find it difficult to help themselves. There are many unfortunate people living in this Island of all nationalities and creeds who particularly need Parish funds, and these were significant amounts: £13,600 over a period of 15 months, and the deception in our view was deliberate and repeated. The accused's debt repayment was not apparently a priority because Andrade had repaid only some £400 of the £13,000 that he owed over the period. Part of the money was used to subscribe to Sky television channels and to pay for the premium on a personal insurance policy; and there were regular cash withdrawals, sometimes in excess of £1,000 a time. What we do not know is how that money was spent. Andrade has eventually admitted his guilt, and he has of course, no previous convictions for dishonesty. We have revisited the case of Livingstone Stewart & Ors (1987) 9 Cr. App. R (S) 135, and the recent case of AG v Burns & Armitage (20 August 1999) Jersey Unreported. But we share the view of the Crown that the severity of these offences calls for a custodial sentence. Mr Grace has very usefully let us have an affidavit of means, and it is clear that he owns nothing. Andrade's estranged wife, with whom he is now reconciled, has control of the rented property and its contents. On the Second Indictment, the imposition of fines which cannot be paid cause a problem when we look at a prison sentence in default of payment, but as I have said, we cannot fault the conclusions of the Crown on the First Indictment. It is said that Andrade does not like prison. So be it; the time, of course, spent on remand will be taken into account. On the First Indictment, on Count 1: 12 months imprisonment; on Count 2: 12 months imprisonment concurrent. On the Second Indictment, Count 1: £100 fine or 1 week imprisonment in default. Count 2: fine of £200 or 2 weeks imprisonment in default. Count 3: £100 fine or 1 week imprisonment in default. Count 4: £200 fine or 2 weeks imprisonment in default. Those default sentences are to run consecutively with each other, but we are going to make them concurrent with the sentences passed on the First Indictment. Authorities Livingstone, Stewart & Ors (1987) 9 Cr. App. R. (S) 135. A. G -v- Halsall (9 th December, 1996) Jersey Unreported. A. G - v- Harris (23 rd March, 1997) Jersey Unreported. A. G -v- Pritchard (20 th October, 1995) Jersey Unreported. A. G. -v- Laverick (11 th January, 1999) Jersey Unreported. [1999.004] A. G -v- Johnson (15 th March,

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