

JERSEY / JUDGMENT

# 1999/48 - AG v Austin [1999] UR 48 (12 March 1999)

[1999] UR 48

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## JUDGMENT

THE DEPUTY BAILIFF: The defendant must have known that he was acting unlawfully when he sold the boat, the 'Escort' car and even the 'Mini' while they were still subject to hire purchase agreements. The cheating of his employer whilst in a position of trust is deplorable. He has left a financial mess behind him. It must be recalled that his former employer has lost stock, two garages and the purchaser of the boat has been obliged to pay the balance owing to the finance companies concerned. Even though he was caught in a financial tangle entirely of his own making, he and his girlfriend still enjoyed a high standard of living. We have considered the circumstances set out in the case of *Barrick* (1985) 7 Cr. App. R(S) 142, though two cases are never the same. There was a degree of trust placed in Austin at PBS; several offences took place over a period of more than twelve months; the money was used to fund a lifestyle; the owner of the speedboat has had to pay over £5,000 to retain it. We have carefully considered all the medical evidence and the very detailed social background report but the public must be protected against this sort of offence. We cannot distinguish this case from that of *AG -v- Cairns* (15 January 1999) Jersey Unreported and *AG -v- Cooper* (6 February 1998) Jersey Unreported, although of course this is not as sophisticated. Stand up, please, Austin. We are going to sentence you to twelve months imprisonment, concurrent on each count, which will include the four weeks you have already spent in custody. Authorities *Barrick* (1985) 7 Cr. App. R(S) 142 *AG -v- Cooper* (6 February 1998) Jersey Unreported [1998.024] *AG -v- Cairns* (15 January 1999) Jersey Unreported [1999.006]

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