

JERSEY / JUDGMENT

AG -v- Adam [2015] JRC 215 (23 October 2015)

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JUDGMENT

THE DEPUTY BAILIFF: 1. You are to be sentenced today for a wide range of criminal conduct in 2014 of a fraudulent nature. That conduct comprised relatively sophisticated internet fraud where, by identity theft, you defrauded people out of money believing that they were buying holiday accommodation. You obtained bank accounts by deception or attempted to do so; you obtained personal loans by deception, and you obtained luxury electronic goods that you sold on for your benefit. To carry out some of these activities you used forged documentation. You have also pleaded guilty to money laundering charges but, we agree with the Crown and with the submission of your defence counsel, that they were part of the internet frauds and do not reflect additional criminality and on these facts should not result in an additional sentence. The total value of the money or goods that you obtained was some £12,500. 2. The Crown has listed a number of aggravating features and we agree with those features as listed by the Crown and as to their aggravating nature. We see as particularly serious your use and attempted use of the Jersey banking system to perpetrate your fraudulent activity. 3. We have considered the mitigation that has been advanced on your behalf, in particular your guilty plea, your cooperation with the prosecution authorities, and the fact that you have no previous criminal convictions. We have noted your letter of remorse and apology, all of which, we agree, should be given full weight. Your advocate has said all that could possibly be said on your behalf by way of mitigation but, in our view, the Crown has made adequate allowance in its conclusions for the mitigation that is available to you. 4. Before sentencing we note that the Crown wishes to make an application for confiscation. We do not feel it appropriate at this point to form any view as to the public interest in connection with this application, and we adjourn the application for confiscation to a directions hearing that will follow immediately after this sentencing hearing. 5. We believe that the sentence of the Court should be, in part, of a deterrent nature to deter the use of the banking system for criminal purposes. On the First Indictment in respect of Counts 1 to 5, the internet fraud, we sentence you to 15 months' imprisonment. With regard to Counts 6 to 14, which are the bank account frauds, we think the Crown's assessment of 9 months is not sufficient and we sentence you to 12 months imprisonment for each of those, those sentences in respect of Counts 1 to 5 and 6 to 14, in the light of totality, to be treated as concurrent sentences. With regard to Counts 15 to 20 and Counts 22 and 24, we agree with the Crown's assessment of 9 months

imprisonment, concurrent with each other but consecutive with the sentences that I have already mentioned, and on the Second Indictment we agree that the appropriate sentence is 9 months' imprisonment for each count, concurrent with each other and concurrent with the sentences on the First Indictment, making a total, as moved for by the Crown, of 2 years' imprisonment. 6. We turn now to the matter of deportation. That has not, in fact, been resisted by your counsel and, in our view, the test for deportation set out in the guideline case of *Camacho-v-AG*

[2007] JLR 462 is passed in the circumstances and we will recommend your deportation at the conclusion of your sentence. *Authorities Proceeds of Crime (Jersey) Law 1999. Camacho-v-AG*

[2007] JLR 462 Channing-v-AG 2001/213. Page Last Updated: 27 Sep 2016 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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