

JERSEY / JUDGMENT

AG v Arnold [2017] JRC 133 (25 August 2017)

[2017] JRC 133

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JUDGMENT

THE DEPUTY BAILIFF: 1. You are to be sentenced today for four counts of larceny as a servant and one of embezzlement. The offending against your second employer took place after you had been charged for the earlier offending from your first employer and that is a significant aggravating feature. The details of your offending have been set out by the Attorney-General and we do not need to repeat them in these remarks. We simply say that the value that you have gained and your employers have lost was £32,700. 2. The Crown has approached the matter of sentencing by reference to the case of R v Barrick

[1985] 7 Cr App R (S) 142 which the Court adopts in cases such as this as to its criteria but not necessary as to the level of appropriate sentence. We agree with the way the Crown has characterised your offending by reference to the relevant factors in that case. These were on any analysis blatant breaches of trust and they of course are exacerbated by the factor that I mentioned earlier, namely that the offending against the second employer took place after you had been charged in respect of the first. 3. You have the mitigation of your guilty plea, and we have read with care the references that have been written about you. They do speak to a very different side of your character and it is deeply regrettable how much pain these kinds of offences causes to members of an offender's family who are themselves innocent of any wrong doing. But the policy of the Court has been oft stated and it is only in exceptional circumstances that custody is avoidable where a breach of trust of this nature is concerned. 4. We have considered the matter of compensation but there is insufficient information before us to suggest that you would have any means to discharge any material level of compensation, and we do not think it is appropriate in these circumstances to make any order for compensation. That is not to say of course, that those from whom you have cost money are not able to recover it from you through the civil courts, but that will be a matter for them and for those courts. 5. We turn to the question of sentencing and in our view the Crown has got the level right and we therefore intend to adopt the sentences moved for by the Crown in its

conclusion.

With regard to Count 1 you are sentenced to 12 months' imprisonment. With regard to Count 2; 6 months' imprisonment, concurrent. With regard to Count 3; 12 months' imprisonment, concurrent. Count 4; 12 months' imprisonment, consecutive, and Count 5; 15 months' imprisonment, concurrent to Count 4 but consecutive to the others, making a total of 2 years and 3 months' imprisonment. Authorities R v Barrick

[1985] 7 Cr App R (S) 142. AG v Gouveia

[2016] JRC 166A . AG v Esnouf

[2016] JRC 108 . AG v Barnett Roberts

[2013] JRC 042B . AG v Oliveira

[2012] JRC 018 . AG v Zielinski

[2008] JRC 028 . Whelan on Aspects of Sentencing in the Superior Court of Jersey. Page Last
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