JERSEY / JUDGMENT

AG -v- Callec [2018] JCR 056 (09 March 2018)

[2018] JCR 056

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JUDGMENT

THE BAILIFF: 1. You are here to be sentenced on an Indictment which charges you with one count of fraud in that between 30 th April, 2013, and 2 nd July, 2015, in Jersey you fraudulently presented 38 cheques being forgeries thus which you had made out yourself and obtained the sum of £46,236 to the prejudice of your aunt. 2. The offence which has been charged rolls together a number of different offences, and at one level there might have been an argument that it was bad for duplicity. That point has not been taken by your counsel, I think rightly, because there is no injustice to you, but it is right that I set out the details of the cheques which are concerned because you are entitled to have on the record, which is not part of the Crown's summary but now therefore on the record, and will appear in these sentencing remarks recorded in the Court's Judgment, which cheques we are talking about. Sept 2014 Chq No 000841 £1,200 Oct 2014 Chq No 000842 £1,100 Feb 2015 Chq No 000848 £2,000 Mar 2015 Chq No 000847 £2,000 May 2015 Chq No 000853 £2,000 June 2015 Chq No 000852 £2,000 July 2015 Chq No 000858 £2,000 Total £12,300 and:- May 2013 Chq No 000779 £2,000 May 2013 Chq No 000780 £3,000 July 2013 Chq No 000802 £1,500 July 2013 Chq No 000803 £400 July 2013 Chq No 000804 £2,000 Sept 2013 Chq No 000822 £1,500 Sept 2013 Chq No 000824 £1,500 Oct 2013 Chq No 000828 £1,800 Nov 2013 Chq No 000830 £1,800 Total £15,500 and: Jan 2014 Chq No 0003446 £1,000 Feb 2014 Chq No 0003447 £1,000 Mar 2014 Chq No 0003448 £1,000 May 2014 Chq No 0003452 £500 July 2014 Chq No 0003454 £1,000 Aug 2014 Chq No 0003457 £550 Nov 2014 Chq No 0003459 £1,400 Jan 2015 Chq No 0003541 £2,000 Mar 2015 Chq No 0003460 £2,000 June 2015 Chq No 0003542 £350 Total £10,800 and:- Dec 2013 Chq No 000833 £500 Dec 2013 Chq No 000836 £800 Jan 2014 Chq No 000837 £1200 Mar 2014 Chq No 000825 £1,000 Mar 2014 Chq No 000838 £1,000 Apr 2014 Chq No 000840 £500 Apr 2014 Chq No 0003449 £350 Apr 2014 Chq No 0003450 £36 (Thrift club) Apr 2014 Chq No 0003451 £500 May 2014 Chq No 000826 £500 June 2014 Chq No 000831 £1,000 Aug 2014 Chq No 0003456 £250 Total £7,636 As I have said, I have set those out in detail because it is important that there can be no difficulty in the future as to which offences were the subject of this Indictment. 3. You not only took the cheques and forged the signatures, but you concealed that, because you removed the cheque stubs from the cheque books; and as is obvious from what I have just described you did it thirty-eight times. 4. The offences were committed over a period of 2 years and 2 months', and committed in breach of trust, because your aunt trusted you in the house. You had access to her

things, and you breached that trust and the Court regards that as being a very serious breach of trust indeed. 5. The sentencing policy of the court is well established, and that is that is for offences of this kind involving a breach of trust, unless there are exceptional circumstances the Court imposes a custodial sentence. 6. Your counsel rightly accepted there were no exceptional circumstances here, although he did ask us to grant, apply mercy, and spare you imprisonment. The court does have a jurisdiction to spare imprisonment on an application of mercy but we do not think it is appropriate to do that here. 7. Essentially, the ground of mercy was put to us on the basis that this would have an effect on your three children. I want to say something about that, because it has been said in this court many times that the person who has the first obligation to think about your children is you. It is just not right to put on the court the obligation, or the worry of thinking about the children that you should have thought about when you committed these offences. And, indeed the custodial sentence for their mother will teach them that dishonesty does not pay and it has a bad outcome. They need to know that lesson because we all need to know it. 8. We have noted the convictions which you have for offences of dishonesty in the past and they exist, one cannot do anything about them, they are there, but we have noted that they were 10 and 15 years ago, respectively. 9. You are entitled to credit for your guilty plea and we certainly have taken into account the references which you have put before us. Those are very positive references because they all speak to other qualities you have which are good things to hold on to and to take out of these proceedings. There are people who recognise those good qualities and the court knows that they are there, but at the end of the day it cannot have a very great effect on the sentence we impose. 10. Your counsel says that we should take into account delay. We do not agree with that. We think that the delay was almost entirely caused by your own conduct because when you were asked questions by the police you did not tell them the truth. You covered up what you have done, or you tried to. You suggested that your aunt had written the signatures. You refused to give a specimen of handwriting so that your handwriting could be tested. So all those things led to delay and if this prosecution has been hanging over you for a long time it is, regrettably, down to you. 11. We have read carefully the background report and listened to everything your counsel has said. Nonetheless, we think that the conclusions of the Crown are right, and therefore we are going to sentence you to 2 years' and 9 months' imprisonment. Authorities R -v- Barrick (1985) 7 Cr. App. R. (S.) 142. Attorney General -v- Loyer

[2008] JRC 064 . Attorney General -v- Shore

[2010] JRC 064 . Attorney General -v- Barnett-Roberts

[2013] JRC 042B . Page Last Updated: 13 Apr 2018 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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