

JERSEY / JUDGMENT

AG -v- Couillard [2011] JRC 179A (16 September 2011)

[2011] JRC 179A

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JUDGMENT

THE DEPUTY BAILIFF: 1. You are here to be sentenced for the offence of knowingly furnishing false information to the Social Security Department on two occasions, the first between 1 st April, 2009 and 1 st September, 2009, and the second between 1 st August, 2010, and 17 th September, 2010. As a result of the misrepresentation which you made to the Social Security Department, your mother received an overpayment of income support to the extent of approximately £22,900. That money was available to you in the form of payments from your mother's account for your benefit or for the benefit of your family. Some of the money appears to have been spent on a boat; other on other expenses which you have incurred. The offence carries a maximum sentence of 7 years' imprisonment. 2. Benefit fraud is offensive. Most Islanders pay what they should pay into the funds which the Island needs, and claim what they should claim; and it is when people step outside those arrangements that the contract which government makes with the citizens of the Island, falls down. People no longer feel confident about the money that they pay in if they think that their money is being abused, and had you broken into somebody's house and stolen this sum of money, there is no question that the Court would have looked at it very seriously indeed and been looking at a custodial sentence. Cheating the public is really no different in principle and for these reasons we think that, difficult as the circumstances of your case are, a custodial sentence is inevitable. We found no exceptional circumstances. 3. We give you full credit for your guilty plea and we appreciate the very proper expressions of shame and remorse which you have expressed. You have made a very bad mistake and we accept that you feel sorry about it. We certainly take into account the voluntary repayments which you have made so far and, as it seems to us the debt is primarily that of your mother's and not yours, we probably do not expect those payments to continue. We note that the money may not have been spent in all respects on luxury items, but it was not spent on essentials or necessities either. 4. Taking all those matters into account, we think the right sentence is one of 12 months' imprisonment and so we impose that sentence concurrently on both counts. That makes a total of 12 months. Authorities AG-v-Morin

[2010] JRC 217D . R-v-Graham and Whatley

[2005] 1 Cr App R (S) 115 . AG-v-Whelan

[2011] JRC 159A . AG-v-Gallagher

[2011] JRC 129 . AG-v-Morton

[2007] JRC 127 . AG-v-Payne 1999/220. Page Last Updated: 18 Aug 2016 BAILII: Copyright Policy |
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