

JERSEY / JUDGMENT

AG v Croke [2003] JRC 170 (03 October 2003)

[2003] JRC 170

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JUDGMENT

THE BAILIFF: 1. The Defendant has pleaded guilty to defrauding the public purse of £21,300 in respect of childcare allowance and rent rebate. Benefit fraud of this kind is always a serious matter. It is a fraud upon the public and it is often difficult to detect. 2. This fraud continued for over a year, during which time the Defendant was also receiving substantial sums from her then boyfriend, now her husband, which were not disclosed to the authorities. 3. She does not have a good record having three times been convicted of offences of dishonesty although the last such conviction was eight years ago. 4. She has pleaded guilty to the indictment and is entitled to significant credit for those pleas. Defence Counsel also put it to us that her claims for benefit were not originally fraudulent. It was also put to us that she is now a woman on her own with three children aged six, four and six-months and that her husband is serving a long term of imprisonment for drug trafficking offences. This Defendant has expressed remorse for her actions. 5. Notwithstanding these mitigating factors, the Court agrees with the Crown Advocate that a prison sentence is in principle appropriate in this case. The only factor which has persuaded us to take a different view has nothing to do with the Defendant but relates to the needs of her six-month old child who is seriously ill with a heart defect and dependent upon his mother on a daily, if not, an hourly basis. 6. Mrs Croke, you were dishonest, deceitful and greedy and, in relation to your offending, you do not deserve the sympathy of this Court and you do not have it. We accept, however, that you are a good mother and it is only because of the needs of your six-month old child that we are not going to send you to prison and that we are going to deal with the matter by way of a non-custodial sentence. 7. We want you to know how serious these offences were and to warn you that if anything similar should happen in the future, there is little doubt as to what the penalty would be. 8. We are going to place you on probation for a period of two years subject to the usual conditions; that you be of good behaviour during that time and that you live and work as directed by your probation officer. Are you prepared to accept all those conditions? Very well, you may now leave the Court and we hope that we do not see you again.

Authorities AG-v-Godwin (30 th October,

1998) Jersey Unreported; [1998/218]; AG-v-Harris (27 th March, 1997) Jersey Unreported; [1997/57]. Whelan: Aspects of Sentencing in The Superior Courts of Jersey (2 nd Edition): para 375 Page Last Updated: 22 Jun 2016 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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