

JERSEY / JUDGMENT

AG v Dolby [2020] JRC 181 (11 September 2020)

[2020] JRC 181

Source: bailii.org · Research copy typeset by Esheria. Not court-issued or certified.

JUDGMENT

THE COMMISSIONER: 1. The defendant stands to be sentenced for one count of larceny, namely for stealing £23,380 from the Jersey Dressage Club ("the Club"), of which she was the Honorary Treasurer. The Club was established in 2006 and is a small club which at that time had 75 members. Its aims were to provide a social environment for horse riding and dressage enthusiasts, to organise local horse riding events and competitions and to provide financial support to members who needed to travel outside of the island to compete. It was funded by annual membership fees and fundraising activities organised by its members. 2. When she was appointed Honorary Treasurer the Club had approximately £32,000 in its bank account and the thefts took place between 13 th March, 2018 and 5 th September, 2019, during which time a total of £23,380 was stolen; the description given to each of the many transfers being intended to disguise the thefts. When the matter came to light there was only some £2,000 left in the Club's account. 3. The Crown have taken us through the questions posed in the case of R v Barrick

(1985) 7 Cr. App. R. (S.) 142 and giving our answers:- (i) The quality and degree of trust in the defendant was in our view absolute. She was a signatory on the account and the only person with online access. Complete trust was placed in her by the members to look after the Club's financial affairs. She had been appointed treasurer because she worked for a local bank and was considered well placed to fulfil this role. (ii) The offending took place over 18 months. (iii) The defendant explained to the Probation Officer that the monies were used to meet her credit card bills, to pay veterinary bills for her horses, one of which had become ill, to pay the mortgage on the house she owned jointly with her husband and to meet general household expenses. It appears that she was the main breadwinner working for a local bank, her husband being semi-retired. (iv) The stolen monies have now been repaid in full, but apart from the shock to the members the impact upon the Club has been serious and it came close to being shut down by its members. Fortunately, through hard work and dedication it appears to have survived. (v) New committee members have had to spend considerable time dealing with the consequence of these thefts and the understandable loss of confidence of some of the Club's members. (vi) The defendant has lost her employment at the bank and her employment prospects. Her home has been sold and her pension drawn down in order to repay the Club in full. (vii) The defendant is of

good character. (viii) There is no mitigation special to the offender which, in the Crown's view, can be considered exceptional and with which Advocate McClure, acting for the defendant, agrees. 4. Indeed it is often a sad feature of this kind of offence as noted by Whelan on Aspects of Sentencing in the Superior Court of Jersey that it involves offenders of previous good character who cooperate with the police, who plead guilty, who evince an intention to repay the money stolen or as here actually repay the money stolen, who lose their employment and employment prospects, who show genuine remorse, which we accept the defendant has here, and who cause severe damage to family life. As often as not they suffer in some particular way that makes a genuine emotional appeal. These are all features which apply in this case but they are common place and the Court cannot treat them as exceptional. It has been the consistent policy of the Court over many years that offences which involve a violation of trust will be punished by a custodial sentence unless there are exceptional circumstances and in this case the prosecution move for a sentence of 2½ years. 5. We have been referred to a number of cases involving larceny in breach of trust for the purpose of comparison, namely the cases of AG v McDermott

[2019] JRC 157A , AG v Egre

[2018] JRC 028, AG v Barnett-Roberts

[2013] JRC 042B , AG v Oliveira

[2012] JRC 018 and AG v Pallot

[2010] JRC 122 , and whilst the sentences imposed in these cases reflect their differing facts and mitigation it seems to the Court that the sentence sought by the Crown in this case is arguably too high. For example in AG v McDermott the defendant was sentenced to 3 years' imprisonment for the theft of £151,000 in breach of trust from two charities over 2½ years and he attempted to cover up his dishonesty by issuing documents that he forged. In AG v Barnett-Roberts the defendant was sentenced to 2 years and 9 months for stealing £46,000 in breach of trust from a playgroup association and this over a period of 2½ years. The money was used to support his lifestyle but he was not a person of good character. He had not cooperated with the authorities and he had used delaying tactics throughout the proceedings. In addition some of the offences were committed whilst on probation and serving community service orders. 6. We have taken into account all of the mitigation put forward by Advocate McClure, in particular the defendant's current mental health difficulties and the letters that have been given to us and the references. We note that the defendant is assessed by the Probation Department at a low risk of offending, but there is no question that the defendant's offending justifies a substantial sentence of imprisonment. 7. Mrs Dolby would you like to stand up please. You are sentenced to 2 years' imprisonment. 8. We would like just to add this, that whilst it is absolutely no excuse for the dishonesty of the defendant in this case it is a reminder that committee members of clubs such as this have a responsibility to ensure that controls are put in place to ensure that all of the club funds are properly safeguarded. Authorities R v Barrick (1985) 7 Cr.

App. R. (S.) 142. Whelan on Aspects of Sentencing in the Superior Court of Jersey. AG v McDermott

[2019] JRC 157A . AG v Egge

[2018] JRC 028. AG v Barnett-Roberts

[2013] JRC 042B . AG v Oliveira

[2012] JRC 018 . AG v Pallot

[2010] JRC 122 . AG v Picot

[1990] JRC 074 . AG v Nichols

[2017] JRC 093A . Page Last Updated: 30 Sep 2020 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://www.bailii.org/je/cases/UR/2020/>

CASE PAGE <https://chat.esheria.ai/case-law/jersey/ag-v-dolby-2020-jrc-181-11-september-2020>

Prepared on 24 October 2026 · Esheria