

JERSEY / JUDGMENT

AG -v- Esnouf [2016] JRC 108 (17 June 2016)

[2016] JRC 108

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JUDGMENT

THE DEPUTY BAILIFF: 1. You are to be sentenced today for 28 counts of dishonesty; being 8 counts of attempted larceny, 18 counts of larceny and 2 counts of money laundering. The large majority of these charges result from you making or attempting to make payments using details of third parties' credit cards. You gained those details from the records of your employer and the offences took place between May and August 2014. The amounts lost as a result of this offending, which does not comprise the totality of it, is some £18,772. You were able to carry this out as a result of a breach of your employer's trust and accessing their records. You spent the money to an extent on family bills, including school fees, but also to fund your gambling habit. Eventually you admitted your offending, although initially made up a story involving a fictitious character, before ultimately you explained the true nature of your involvement. 2. We have read very carefully the social enquiry report and we note the mitigation available to you including your guilty plea and, which is an important consideration, that you have repaid a great deal of the money that has been lost. We also note and accept your real remorse and your shame and you are, of course, previously of good character. We have read the letters and we have considered the effect on your family as a result of this offending and the consequences that you now face. 3. The Court's policy in cases such as this is that, other than in exceptional circumstances, a custodial sentence is inevitable. We view this as a very serious matter. There is much indeed to be sad by way of mitigation but, as the Crown reminds us, there is almost always much to be said in matters such as this. Having given very anxious consideration to all of the matters put before us by your counsel and generally we conclude that there are no exceptional circumstances in this case. 4. What then is the appropriate sentence? We agree to a large extent with the conclusions of the Crown, however, we are very mindful of the delay that you have suffered through no fault of your own in this matter coming to Court and we understand that that was a very real burden and a pressure. We think that this factor, coupled with certain other mitigating factors relating to your family, including the consequences on your elderly father, the matters contained in the reports and the other papers that are before us, enable us to reduce the Crown's conclusions to an extent. 5. Accordingly, whilst not in principle saying that the Crown's conclusions are wrong, the Court is minded to impose a sentence of 12 months' imprisonment. That, in effect, will mean that the conclusions in connection Counts 8, 25, 27 and 30 will be reduced from 15 months to 12 months and all of the sentences are to run concurrently. 6. We make the order for Compensation in the sum requested by the Crown. You will have 1 year in which to pay that sum or 21 days'

imprisonment in default. Authorities Criminal Justice (Compensation Orders)(Jersey) Law 1994.
Proceeds of Crime (Jersey) Law 1999. AG-v-Pallot

[2010] JRC 122 . AG-v-Morgan

[2006] JRC 176 . AG-v-Kirkland 2001/200. Congdon-v-AG 2002/38. AG-v-Renouf 2001/125. AG-v-Zielinski

[2008] JRC 028 . AG-v-Oliveira

[2012] JRC 018 . AG-v-Jones

[2015] JRC 105 . Whelan on Aspects of Sentencing in the Superior Courts of Jersey (3rd Edition).
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