

JERSEY / JUDGMENT

AG -v- Grundy [2008] JRC 077 (16 May 2008)

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JUDGMENT

THE COMMISSIONER: 1. That the defendant should have committed these serious offences seems inexplicable on the face of it. She has had a good upbringing, and has the support of her parents and sisters. She has worked for the Jersey Post Office for 16 years and has a good record of attendance and diligence. 2. She has purchased and financed her own home and with no dependants she has no obvious financial problems. In a letter to us she has explained that she has been in an abusive relationship with another employee of the post office and, suffering from depression, had committed these offences knowing that she would get caught and be dismissed; thereby getting away from her partner. As she put it in her letter to us it was 'a drastic and stupid thing to do' and something which she only now appreciates the severity of. 3. This explanation does sit somewhat unhappily with the fact that the last purchase was for a bed costing £1,139 which she tells us her partner, from whom she was trying to escape, had asked her to buy. It also does seem inconsistent with the explanations given to Dr Sharkey that she was trying to rescue this relationship. 4. Furthermore, between September 2007 when the police first attended at her home and January 2008, the defendant denied any involvement in successive interviews, both with the police and her employers. She has inevitably lost her job and her record for dishonesty will make re-employment difficult although we see she has two offers of work. She is clearly, and we accept, remorseful and she has indeed self-harmed on two occasions in January and March of this year. 5. She has pleaded guilty and has no relevant previous convictions. As is often the case in offences of this kind, there is very powerful mitigation. She has offered and has the funds present in Court to compensate one of the victims. We have had numerous letters and testimonials and we note the presence of her family in Court. However, in our view none of this can be regarded as exceptional mitigation. In terms of her current state of health Dr Sharkey is very clear in his recent report that she does not show any evidence of mental illness. He does say he is not convinced that a custodial sentence will do anything other than harm her life, although he does not expand on this. 6. As against that it is a matter of serious public importance that the public can trust that mail will be delivered. Offences of this kind cause considerable distress to the public who place their trust in postmen and women, committing to their care not just items of financial value but items often of the greatest personal value and importance. 7. An immediate custodial sentence is necessary to mark the gravity of tampering with the mail, so that every postman will know, and every post woman will know, that this punishment awaits them should they ever fall prey to temptation and so that the public know that those they entrust with their

mail will be so punished if they breach that trust. 8. The leading decision of Poulter

(1985) 7 Cr. App. R. (S) 260, indicates a range from very short sentences to 18 months being appropriate for cases of theft by postmen or women, where the amounts cannot be described as small but are less than £10,000. The place of the defendant in that range will depend upon the individual facts of her case, taking into account the questions listed in the helpful case of Barrick

(1985) 7 Cr. App. R. (S) 142, which we have, of course, considered. In terms of length of sentence it is necessary that it should be sufficiently substantial, and in our view a sufficiently substantial sentence in this case is one of 9 months' imprisonment. 9. On Count 1 you are sentenced to 9 months' imprisonment, on Counts 2 to 7 you are sentenced to 9 months' imprisonment, concurrent, making a total sentence of 9 months. We also order you to pay £1,139 to Premier Carpets and Furnishings Limited to be paid within 7 days and in default you will serve a sentence of 1 month's imprisonment to run from the end of the current sentence. Authorities Poulter (1985) 7 Cr. App. R (S) 260. Barrick (1985) 7 Cr. App. R. (S) 142. Page Last Updated: 15 Oct 2015 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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