

JERSEY / JUDGMENT

AG -v- Huchet [2013] JRC 002 (04 January 2013)

[2013] JRC 002

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JUDGMENT

THE DEPUTY BAILIFF: 1. You have pleaded guilty to two counts of fraudulent conversion and one count of fraudulent inducement to invest. You benefitted personally to the extent of £14,500 and you have cost the victim in the case a sum of approximately £94,500 in all. The false representations which you made were that you were experienced in foreign exchange trading and these were compounded by the production of false statements allegedly showing profits being made over a period of some six or seven years. Complete trust was placed in you by the victim, who is now himself in debt to the extent of £40,000, and he says in his victim statement "We spent some good times together, we were social friends and I trusted, with hindsight, wrongly, nevertheless this trust has been kicked back in my face and left me broke." 2. Your counsel says that you were very naïve and you are not dishonest at the outset. There is no evidence that this was so. You had an overdraft and the first payment which was received from the victim, was applied by the bank to reduce it. You must have known at the time of receiving the second tranche that you would not be able to invest it and the bank would take that money as well. You acted dishonestly by producing false statements for a very long time thereafter. 3. This was a breach of trust. It does not fall in the same category as those breaches of trust where the defendant is an employee and trusted by an employer, but it was a breach of trust because you breached the trust of the person who was your friend. The Court has regularly applied the principles of R-v-Barrick

(1985) 7 Cr. App. R. (S.) 142, a 1985 Court of Appeal case from England and Wales and it was applied in the case of AG-v-Renouf 2001/125 which has been cited by the Crown. The case of Renouf was one where the offences were more serious than the offences before us today both because the amount which was lost was greater but also the number of victims was greater. 4. We have taken into account your guilty plea and we have taken into account the references which have been supplied. We have taken into account the fact that you are of good character and that you have lost all your property from the financial difficulties in which you now find yourself. Your counsel told us that you are not a malicious or an evil man and we accept that. Unfortunately, basically decent men do sometimes do things they should not and your time in prison, because we are going to send you to prison, is a reparation for what you have done and you must, in our view, treat it positively in that

respect. We had, as I indicated to your counsel at the outset, considered that it might be appropriate to increase the sentence but having regard to everything that has been said to us, we are not going to do so. We think the conclusions of the Crown are correct. 5.

Accordingly, you are sentenced to: on Count 1 of the Indictment to 1 year's imprisonment, on Count 2: 1 year's imprisonment, on Count 3; 2½ years' imprisonment, concurrent, making a total of 2½ years' imprisonment. Authorities R-v-Barrick (1985) 7 Cr. App. R. (S.) 142. AG-v-Renouf 2001/125. AG-v-Lewis, Christmas, Foot and Cameron

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