

JERSEY / JUDGMENT

AG -v- Jones [2015] JRC 105 (15 May 2015)

[2015] JRC 105

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JUDGMENT

THE DEPUTY BAILIFF: 1. Miss Jones, over a period of some 8 months, whilst in a position of trust and responsibility, you stole from your employer on approximately 60 occasions by means of fictitious repayments and gift certificates in the total sum of £5,191.80. You used this money for living expenses and for luxury items such as clothing. 2. The Crown has referred us to the case of R-v-Barrick

(1985) 7 Cr. App. R. (S) 142 which we have considered and we agree with the Crown's characterisation of the offending against those factors. 3. You have substantial mitigation available to you. You pleaded guilty at a very early opportunity. You have an unblemished record and all, and indeed more, of the money that you have taken has been repaid. This, to us, indicates a very real and tangible remorse and we recognise the consequences that this offending has had on you. 4. However, the Court has observed on a number of occasions such factors are often present in cases such as this and the Court has also, on many occasions, repeated its policy that breach of trust offences such as this is, are punished by custodial sentences in all but exceptional circumstances. Now the Court understands that you were at a low ebb at the time of offending as a result of the end of your long-term relationship and the Court is mindful of the glowing tributes from your family and friends which we have read most carefully and which speak very well of your character. 5. The Court has, as it should in these circumstances, considered this matter in the round. It is entitled to look at all of the factors in this case and determine whether cumulatively they amount to exceptional circumstances. We note, as we have already said, that you have repaid more than was due, that you were entirely cooperative and that you have exceptionally strong support around you but, importantly from the Court's point of view, we note that you have put your life back together, that you have a new employer with whom you have now been frank and that that employer has provided a reference for you itself speaks well of you. 6. Taken in the round and as an act of mercy the Court will not impose a custodial sentence on you. You are sentenced to 160 hours' of Community Service, which is the equivalent of 10 months' imprisonment. Please do not be here again. Authorities R-v-Barrick (1985) 7 Cr. App. R. (S) 142. AG v Kirkland 2001/200. AG v Zielinski

[2008] JRC 028 . AG v Pallot

[2010] JRC 122 . AG v Mumot

[2010] JRC 078 . AG v Oliveira

[2012] JRC 018 . AG v Hamon

[2013] JRC 102 . Page Last Updated: 24 Jan 2018 BAILII: [Copyright Policy](#) | [Disclaimers](#) | [Privacy Policy](#) | [Feedback](#) | [Donate to BAILII](#)

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