

JERSEY / JUDGMENT

AG v Le Cras [2000] JRC 89 (25 May 2000)

[2000] JRC 89

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

JUDGMENT

THE DEPUTY BAILIFF: 1. This was a deliberate fraud, albeit doomed to failure. The defendant offered travel arrangements and holidays to people at well below cost value. He kept the proceeds and did not make the travel arrangements for those persons referred to in the charges contained in the indictment. 2. The total which the defendant obtained over a 3 ½ month period, was some £15,443.00. At the same time he was fraudulently in receipt of invalidity benefit. Between April and November, 1998, he received a total of £5,490.78, to which he was not entitled because he was working as a freelance travel agent. 3. We have no doubt that the fraud in relation to the travel arrangements caused distress, and of course financial loss, to a number of people. Mr Winchester has put forward a number of matters to us in mitigation. He points out the plea of guilty, albeit that this was made late in the day, and therefore the weight to be given to it cannot be the same as it would have been had the plea been entered from the start. 4. He refers to the defendant's remorse, and, in particular, to the matters set out in paragraph 18 of the Social Enquiry Report. We would like to take this opportunity of paying tribute to this report. It is an example of all that is good and helpful in a social enquiry report. Paragraph 18 points out that the defendant has made effective use of his time in prison, has found Christianity and is clearly remorseful for what he did. 5. Reference is also made to the delay in this case. The delay initially was because the defendant fled the Island. However he was arrested and brought back in March, 1999, and a period of 6 months followed before he was committed for trial at the end of September. During his interviews he had - whilst giving some assistance - largely given 'no comment' answers, and had not assisted the police in their enquiries. 6. We have no doubt that this sort of case requires detailed investigation and analysis by the police, and we regard the time of 6 months as being quite reasonable. Particularly where the defendant has not assisted fully, it hardly lies in his mouth then to complain of the time that has been taken to investigate the matter. 7. He has a bad record for dishonesty but there is a considerable improvement from 1989. Only three minor offences, of a different nature to the present charges, have been committed since then, and we certainly give full credit for that and very much hope that, following completion of the sentence in this case, he will revert to the way in which he was behaving from 1989 until these offences were committed. We note his intention to re-pay. 8. However, even allowing for all these matters in mitigation, this was a serious and deliberate fraud which continued for a period, and involved a number of victims. We think that the Crown's conclusions for this offence are correct. 9. Turning to the social security fraud, this Court has said before, and

says again, that these amount to a fraud on the general public. Funds which are needed for the benefit of those in need are diverted to those who are not entitled to them. This fraud continued for some 7 ½ months and involved a total of some £5,490.00. Taking account of all the circumstances, we find that a sentence of some 12 to 18 months would normally have been the appropriate sentence for these offences. 10. They are of a wholly different nature to the offences in relation to the travel business. On the Crown's conclusions there will be no extra punishment for these social security offences. They are serious offences and we believe that there must be something extra to reflect the fact that the defendant has committed these offences as well as the travel company offences. However, we have regard to the totality principle. We think that it would be excessive to impose a consecutive sentence of either 12 or 18 months, which we have said to be the correct sentence in principle for the social security offences, and we propose therefore, only because of the totality principle, to reduce the sentence for the social security offences, but to make it consecutive. 11. Stand up please Mr Le Cras. On Counts 1 to 7, and on Counts 10 - 17, you are sentenced to 2 years imprisonment concurrent on each Count. On Counts 18 - 54 you are sentenced to 6 months imprisonment, concurrent with each other, but those will be consecutive to the sentences on Counts 1 - 7, and 10 - 17. In other words you are sentenced to a total of 2 ½ years imprisonment. Authorities A. G -v- Ryall (14 th October, 1994) Jersey Unreported. A. G -v- Strzelecki (2 nd February, 1996) Jersey Unreported. A. G -v- Ogilvie (29 th May, 1998) Jersey Unreported. Livingstone Stewart and Others (1987) 9 Cr. App. R. (S) 135. A. G -v- Pritchard (20 th October, 1995) Jersey Unreported. A. G -v- Fitzsimmons (1 st October, 1999) Jersey Unreported. A. G -v- Cooper (7 th May,

1999) Jersey Unreported A. G -v- Harris (27 th March, 1997) Jersey Unreported A. G -v- Andrade (10 th September, 1999) Jersey Unreported. Page Last Updated: 19 Aug 2015 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/2000/>

CASE PAGE <https://chat.esheria.ai/case-law/jersey/ag-v-le-cras-2000-jrc-89-25-may-2000>

Prepared on 25 October 2026 · Esheria