JERSEY / JUDGMENT

AG -v- Morin [2010] JRC 217D (03 December 2010)

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JUDGMENT

THE DEPUTY BAILIFF: 1. Mr Morin, between January 2008 and November 2009 you were taking income from the Social Security Department by way of income support and on the 18 th March, 2009, you withheld material information from the Social Security Department, namely the receipt of income from your employment as a Disc Jockey at the Hotel Ambassadeur. 2. In fact the income that you were getting should have been declared from the outset. The claim was a fraudulent claim to that extent and known to be fraudulent. It is a fraud committed on the public of Jersey and you obtained, as a result, benefits which you were not entitled to obtain. It is no different in principle from other forms of fraud and in principle offences of this kind would normally call for a custodial sentence to be imposed, and that would be measured in years and not in months. 3. However, in this case the Court is not going to impose a custodial sentence and in deciding not to do so we want to say that it is really an act of compassion and an act of mercy which takes into account also the substantial amounts of mitigation which are available to you. In particular we take account of your guilty plea; your immediate acknowledgement of guilt; we take into account the disabilities that you have and your remorse; the fact in particular that the money was not used on luxury items but spent on your family, and the fact that you have voluntarily been paying back the monies which you obtained and which you should not have had. Nonetheless, you catch the Court, as I say, in a compassionate mode today because many of those features might be available in other cases and leaving aside the disability from which you suffer, which is exceptional, it is very probable that a custodial sentence would have been imposed. 4. The Crown's conclusions will be granted and 120 hours' community service is what you are sentenced to perform, which is the equivalent to 6 months' imprisonment, which would otherwise have been the custodial sentence which would have been imposed. The Court also makes a Compensation Order for the balance which is due (the amount due to be agreed between the Crown and the defence) and you will have a period of 5 years to pay that money back with liberty to apply. I have deliberately fixed a period of five years to make sure you have enough time to pay it back but it seems to the Court that you should no doubt wish to continue paying at or around the figure you are currently paying. 5. For the record the Court notes and adopts the sentencing principles which are set out in the cases of R-v-Graham and Whatley

[2005] 1 Cr App R (S) 115 but we do not adopt the sentencing tariffs discussed in those cases which are left open for a future occasion. Authorities R-v-Graham and Whatley

[2005] 1 Cr App R (S) 115 . AG-v-Payne 1999/220. Page Last Updated: 02 Aug 2016 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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