

JERSEY / JUDGMENT

AG -v- Oliveira [2012] JRC 018 (20 January 2012)

[2012] JRC 018

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JUDGMENT

THE DEPUTY BAILIFF: 1. You are here to be sentenced on three counts of larceny as a servant. You took on at least ten occasions if not more over a period of 18 months a total of approximately £14,000 from your employer. In doing so you allowed suspicion to fall on members of the staff who were employed in that shop and indeed one of them had to leave because she could not cope with that suspicion. 2. Breach of trust is always important and an aggravating feature of the offence of larceny and the Court's established policy is that unless there are exceptional circumstances a custodial sentence is inevitable. We do not think that there are any exceptional circumstances here. As indeed was said in the case of AG-v-Pallot

[2010] JRC 122 , it is unfortunately the case that those who are trusted by employers nearly always do have good records, nearly always do show remorse afterwards and nearly always do leave their families suffering as a result of their offending. But as is quoted by Whelan at paragraph 458, in the case of Mitchell in the English Court of Appeal, the Court said:- "It must not be thought that people who fail to consider the effect that their actions may have upon their own family are to be treated in any more sympathetic way than others. We do not like having to do it but it seems to us that it is essential to make these matters clear." 3. It is always a concern to put a relatively young man with a family in prison but the Court's policy is absolutely clear and the Court considers that the Crown's conclusions are right. The Court has noted particularly that you spent some of the money not just on essentials but also on luxuries and you acknowledged to the Probation Officer that you became greedy. 4. You are accordingly sentenced to 18 months' imprisonment concurrent on each count. We have taken account of everything that your Counsel has said but it does not affect that sentence. Authorities Whelan on Aspects of Sentencing in the Superior Court of Jersey. AG v Pallot

[2010] JRC 122 . AG-v-Zeilinski

[2008] JRC 028 . Mitchell (1987) 11 Cr. App. R. (S) 562. R-v-Barrick (1985) 7 Cr. App. R. (S) 142. Fowler-v-AG

[2007] JLR N23. Fowler-v-AG

[2007] JRC 044 . Page Last Updated: 13 Sep 2016 BAILII: [Copyright Policy](#) | [Disclaimers](#) | [Privacy Policy](#) | [Feedback](#) | [Donate to BAILII](#)

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