

JERSEY / JUDGMENT

AG -v- Stainforth [2015]

JRC 150 (06 July 2015)

[2015] JRC 150

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JUDGMENT

THE commissioner: 1. You are to be sentenced for a mean and despicable offence which involved a serious breach of trust. You befriended the 58 year old victim who suffered from multiple sclerosis and she trusted you to the extent that she gave you the keys to her flat, she gave you her bank card and its pin number so that you could pay in cheques and withdraw cash on her behalf. And when her condition worsened so that she moved to Overdale, you began stealing from her account and, as we have heard, over two months, in February and March of last year, you spent some £6,379 of her money on yourself, taking all her savings and some of her social security payments. You only stopped when her account was empty so there was nothing more to be taken. At about this time you also imported 524 tablets of the Class C drug Etizolam. 2. Advocate Grace has put forward the mitigation and there is much to be said on your behalf. We accept, as she says, that this started as a friendship with altruistic purposes on your part, you were helping her out. You have pleaded guilty, although this took a while and you denied matters initially. We do not consider that delay is a relevant factor here; if you had admitted the offences when you should have, the delay would not have occurred. We accept that you are, of course, of good character and that this is a matter which is wholly out of character; we acknowledge your good work record and we have read the reference from your employer; the probation report says you are at low risk of reoffending; we acknowledge the impact this will have, not only on you but also on your family, and we also note that the money has been repaid by means of a loan from your father. 3. All of this goes to your credit but the Court's policy is clear in relation to these sorts of matters. For offences involving a breach of trust where money is taken as a result, a custodial sentence is inevitable unless there are exceptional circumstances. We cannot find that there are exceptional circumstances here, so it must be a custodial sentence. We have considered the length and we take into account your prospects and we hope very much that when you come out you will be able to put this behind you and begin afresh. But we think the Crown's conclusions make all the allowances that there are for mitigation. 4. The sentence of the Court for the larceny count is 15 months' imprisonment and on the drugs importation; 3 months' imprisonment, consecutive, making a total of 18 months' imprisonment. 5. We also order the forfeiture and destruction of the drugs. Authorities AG v Huchet

[2013] JRC 002 . AG-v-Ogilvie 1998/110. AG v Ogilvie

[2014] JRC 013 . AG v Loyer

[2008] JRC 064 . Page Childs & Keane v AG

[2012] JRC 131 . AG v McIntyre

[2012] JRC 144 . AG v Burt

[2013] JRC 053 . AG v Connor

[2013] JRC 012 . Page Last Updated: 27 Sep 2016 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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Prepared on 26 October 2026 · Esheria