

JERSEY / JUDGMENT

AG v Tadier [2007] JRC 231 (07 December 2007)

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JUDGMENT

THE commissioner: 1. The defendant has defrauded her employer, a Jersey charity known as A. C. E. T. which promotes HIV and AIDS awareness in the island, of some £26,000 and this over a period of a year when she was in a position of trust. Fortunately the charity has been able to recover £22,000 of that from the bank. She supplied false personal details when applying for the post of office administrator and succeeded in convincing the small team of colleagues that she worked with that she was a loyal and dedicated member of the team with the best interests of the charity at heart. 2. Quoting from the statement of Rosemary Ruddy, the executive director of A. C. E. T.: "I believe Mrs Tadier's criminal activity has not only deprived vulnerable people of services they desperately need, it also has the potential to undermine public confidence in the integrity of the charity. Her actions could easily result in further loss of income for a small charity that is already struggling to raise the money it needs to deliver vital services to some of the most marginalised people in our community. [Mrs Tadier] would have been well aware of the potential detrimental consequences on the charities future that her actions could have resulted in." 3. The sentencing policy of the court is clear and settled. Such offences are punished by custodial sentences in all but the most exceptional circumstances. Unless we can find exceptional circumstances here then a custodial sentence must therefore be imposed. 4. We find that there is very little mitigation in this case, indeed the only point of mitigation of substance is the fact that the defendant did, eventually and very late, plead guilty. She is not a person of good character. She has a bad record of dishonesty and she committed these offences whilst serving a community service order for offences of dishonesty in 2004. When arrested she refused to cooperate with the police causing an extensive and lengthy, and no doubt costly, investigation. When questioned in relation to the cash taken from the language courses she denied any involvement and indeed actually implicated Mrs Ruddy. Over the driving licence she lied about the existence of a licence. When eventually charged in March 2007 she pleaded not guilty and she maintained that position right up until September of this year. 5. She has been diagnosed by Dr Stoffenberg with suffering from moderately severe depression, but only over the last few months. We have had the benefit of his report but in our view his advice does not constitute an exceptional circumstance. She has three minor children at home, who she looks after, but as Mr Yates submitted to us, this on its own would not constitute an exceptional circumstance. 6. In our

view this case is too serious to deal with other than by imposing a sentence of imprisonment of 2 years. However we are going to suspend the sentence for 2 years only because of the special circumstances and needs of her child A (aged 13) who is diagnosed with Autism and Asperger's Syndrome. If the defendant is imprisoned he will be put under the care of the special needs unit and housed at Brig-y-don, a children's home, and from there he will have to move into foster care if a suitable applicant can be found which is not certain. It is clear from the reports and advice we have received that these changes to his life would have a devastating effect upon him. Therefore for his sake and his sake alone, we are going to suspend the sentence we will impose on you so that you can continue to look after him. 7. We are also going to impose a supervision order so that you can be given support and so that you can also receive the psychological treatment that both Dr Stoffenberg and Dr Wade recommend. 8. In relation to counts 1-52; you are sentenced to 2 years' imprisonment, concurrent on each count. On counts 53-63 and 65-67; you are sentenced to 2 years' imprisonment on each count concurrent. On count 68-72; you are sentenced to 2 years' imprisonment on each count concurrent. On counts 73-76; you are sentenced to 2 years' imprisonment on each count concurrent. On count 81; you are sentenced to 2 years' imprisonment, concurrent. On count 87; you are sentenced to 4 months' imprisonment, concurrent. On count 88; you are sentenced to 6 months' imprisonment, concurrent. This makes a total of 2 years' imprisonment. This shall be suspended under the terms of the Criminal Justice (Suspension of Prison Sentences)(Jersey) Law 2003 , for a period of 2 years. 9. We also order, under Article 6 of that same law, that you be supervised by a probation officer for a period of 2 years from this day and that you shall keep in touch with the supervising officer in accordance with instructions given by the officer and that you will notify the officer of any change of address. We also need to warn you that any failure to comply with the supervision order will render you liable to punishment under the terms of Article 6(9) of that law. We also need to warn you that if, during the 2 years that the sentence is suspended, you commit any other offence then this sentence of 2 years will be imposed. 10. We are also going to disqualify you from driving for 12 months on counts 87 and 88. At the end of this 12 months you will need to re-take your driving test. Authorities Criminal Justice (Suspension of Prison Sentences)(Jersey) Law 2003. Page Last Updated: 10 Jun 2015 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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