

JERSEY / JUDGMENT

The Attorney General v Robert Francis Piziura

COURT

Royal Court

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Inferior Number Sentencing – larceny.**[2015]JRC106****Royal Court****(Samedi)****15 May 2015****Before :**

T. J. Le Cocq, Esq., Deputy Bailiff, and

Jurats Marett-Crosby and Sparrow

The Attorney General

-v-

Robert Francis Piziura

Sentencing by the Inferior

Number of the Royal Court, following guilty pleas to the following charges:

2 counts of:

Larceny (Counts 3 and 4).

Age: 53.

Plea: Guilty.

Details of Offence:

The defendant was employed as a

‘smart home fitter’ with a local company.

In January 2013, the defendant was

fitting an entertainment system at a customer’s home. He had unsupervised access to the home

and he used this opportunity to steal a gold Rolex Oyster watch valued at some

£14,000 from a bedroom. He

attempted to sell the watch.

In June 2014, the defendant did

similar work at another customer’s home. He knew the householder was seriously

ill. He stole a Rolex Daytona watch

valued at £7,000, a Rolex Datemaster watch valued at £6,300, a gold

necklace valued at £1,260 and a gold \$25 coin valued at £750. He sold them to a local

jeweller for

much smaller amounts.

Both counts involved using a

legitimate right of entry to people’s homes for an illegitimate purpose,

and constituted a very clear abuse of both the householder's trust and his employer's trust.

The items were of sentimental value. The employer reported a serious impact on his business as he had had to rebuild customers' trust. The offending was committed in order to fund a gambling habit.

Details of Mitigation: Guilty pleas (entered relatively late).
The defendant had taken serious steps to address his gambling addiction.

Previous Convictions: Minor historic offences, disregarded.

Conclusions:

Count 3: 30 months' imprisonment.

Count 4: 30 months' imprisonment, concurrent.
Total: 30 months' imprisonment.
Forfeiture of iPhone and iPad sought.

Sentence and Observations of Court: In a significant breach of trust, the defendant stole items of high monetary and sentimental value from the homes of his employer's customers in order to convert them into cash to fund his gambling habit.
No exceptional circumstances existed and a custodial sentence was inevitable.
Full allowance not given for guilty pleas, as they were entered late and the defendant was uncooperative with the police.

Count 3: 20 months' imprisonment.

Count 4: 20 months' imprisonment, concurrent.
Total: 20 months' imprisonment.
Forfeiture of iPhone and iPad ordered.
W. A. F. Redgrave, Esq., Crown Advocate.
Advocate J. W. R. Bell for the Defendant.

JUDGMENT

THE DEPUTY BAILIFF: 1. You have pleaded guilty to two counts of larceny. The first count relates to the theft of a Rolex Oyster watch and the second count relates to a number of different items, including high value watches and jewellery. These items were stolen by you from private houses where you were working and they were stolen in order to convert them into cash to fund a gambling habit. Both of these offences involved a significant breach of trust. You breached the trust not only of the householders who trusted you to work unsupervised in their homes, but also the trust of your long-term employer, who trusted you to represent it and to go into people's homes to work on its behalf. The value of the goods that you have taken was not only high in money terms but also of high sentimental value and some has not been recovered. 2. We have read carefully the victim impact statements provided by both the householders and your former employer. You knew, in one case, that the family was particularly vulnerable, struggling as it was at that time with the serious illness of a family member. As a result of your actions and the damage to the trust that had previously existed, your former employer has lost business and customer relationships have been materially damaged. We acknowledge that you are remorseful and the profound effect that this offending has had on your family. This, sadly, is all too often the case where a breach of trust is concerned and does not, in our view, amount to exceptional circumstances that would enable us to avoid a custodial sentence. 3. Although you have pleaded guilty, you were not at all initially cooperative with the police seeking at first to avoid responsibility with lies until confronted with compelling evidence and you withdrew an earlier guilty plea. We do, of course, make allowance for your guilty plea but in the circumstances, we agree with the Crown that a full allowance is not justified. 4. We have considered very carefully all that your advocate has said on your behalf and the letters and documentation that have been provided. We do not think that we should take into account your earlier convictions and we note the steps that you have taken, sincerely we believe, to address your gambling problem. This too does not amount to exceptional circumstances and we cannot therefore avoid a custodial sentence but it does enable us to reduce the recommendations of the Crown to a significant extent. 5. The sentence of this Court is that you will go to prison for 20 months for each of these offences, those sentences to run concurrently, making a total of 20 months' imprisonment. 6. We also order the forfeiture as requested by the Crown of the instrumentalities of the offence. Authorities AG v Kirkum [2005] JRC 131. AG v Donachie [2009] JRC 229. AG v Picot 1990/74. AG v Morris 1992/094. AG v Petch 1993/047. AG v Magrico 1998/43. AG v Murphy 2000/68. R v Barrick (1985) 7 Cr App R (S) 142. Whelan, Aspects of Sentencing in Criminal Cases (Third Edition). Criminal Justice (Forfeiture Orders) (Jersey) Law, 2001.

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