

A.G. -v- Ralph William Hayden.

16th May, 1985.

Sup. No.

BAILIFF:- "Hayden, we are going to grant the conclusions of the Solicitor General. Your advocate has spoken extremely well and has put forward many matters, very well, which we have carefully considered, but we think that the sentence of four years asked for is correct in the particular circumstances and in accordance with the changes in policy of the Court. Your counsel asked us to distinguish between a case where someone sets out to run a dishonest business and the person who sets out to run an honest business but does dishonest things to preserve that business. Having listened to the facts in this case, we have to say that in our view you started off with a business which had very shady aspects to it. It may not have been dishonest in a statutory sense but it was a very undesirable type of business, a shady sort of business, and if we accept the explanation which you have given to your counsel and which he put forward to us, an explanation which we find in many respects very improbable, but if we were to accept it then all one can say is that you had the sort of experience that you must have expected and was to be expected from the sort of persons with whom, apparently, you were dealing with. The fact remains that you, and whether in the end you received a benefit or not and it appears that you did not receive any benefit from it, but the fact remains that you were in the position of trust and that a total amount of £57,000 was taken by you from various client' accounts

and that £30,600 of that still remains outstanding. Therefore this was a gross breach of trust involving a very large sum of money compared to the normal sort of cases which come before this Court. Furthermore, there was the case of Mr. Yarrow, in no way was he a shady character, in no way was there anything shady about that. He entrusted £4,000 to you to pay his income tax and you did not pay it. You used it for another purpose altogether. That alone would have merited a very substantial prison sentence and therefore we accept that you were co-operative with the police, we do not know whether you could have been more co-operative than you were, we accept of course that you now have a degree of remorse, we accept that you are a person of good character, we accept that this is going to be injurious to your family. Those matters are normally present in these sort of cases and go without saying but those matters are not mitigating factors because what this Court has to do is to punish those who, when they are in a position of trust take other peoples money, and in this particular case, you took a very large sum of money and we cannot find that the sentence asked for of four years is in any way out of proportion to the normal sentencing policy of this Court, which is regrettable. A person of your age, good character, gets into this position, unfortunately it does happen and it is the duty of this court, by the sentences, to try and make sure that other people know what will happen to them if they do what you, unfortunately, did. Therefore, Hayden, you are sentenced to a total of four years imprisonment, four years on count 1 and 4 years concurrent with each other, and with count 1, in respect of the other counts 2 to 15 making a total of 4 years imprisonment.