

ROYAL COURT

21st September, 1990

135

Deputy: The Deputy Bailiff, and
Jurats Myles and Vibert

The Attorney General

- v -

Glyn Leonard Phillips

Three counts of forgery (Counts 1, 3 & 5).
Three counts of uttering and obtaining money on forged document
(Counts 2, 4 & 6).

Guilty plea; Conclusions: 3 years' Probation with 180 hours
Community Service.

At outset no intention to defraud-resorted to illegal means to keep
business afloat - business now in ruins - exorbitant interest rates-
co-operative with police -wife and family to support.

Court grants conclusions.

The Attorney General.
Advocate S. Slater for the accused.

JUDGMENT

DEPUTY BAILIFF: Phillips, the Court regards these offences as serious
ones and has, notwithstanding the recommendations, given consideration
to imposing a custodial sentence. We have applied the proper test. Is
a custodial sentence the proper sentence for these offences? The
answer undoubtedly is 'yes'. But we have gone on to ask ourselves

whether in the particular circumstances of the particular case could we avoid the imposition of that sentence by means of the Community Service route.

We have decided that we can do so but not without some reluctance, and that reluctance arises from the length to which you went to secure the proceeds of your frauds. The invoice passed up to us for Coles ~~Plastering Contractor is the best example of the thought and cunning~~ which you employed. The other is that you procured whether or not they were duped by you, or whether or not they were fellow offenders, either way you procured your sister and brother-in-law to assist your criminal intentions.

We accept as did the learned Attorney that there was no intention from the outset to defraud and indeed you made substantial repayments towards the loans obtained. Nevertheless that is largely balanced by the lengths to which you went in the documentation.

Your case is a good example of the dangers of falling into the hands of money lenders whose rates are near usurious and practices dubious. The factors saving you from a prison sentence are your remorse, your nearly clean record because we ignore juvenile convictions and parking offences; your wife to whom you owe a great debt; your child and the need for you to work hard and repay your creditors. In other words it is not in the public interest to imprison you.

We do think, however, that you must make greater efforts to get out of trouble. For example, if the rent you pay is justified, then it should be possible to earn part of it by taking in one or two lodgers in the third bedroom. Alternatively you should find something cheaper and more humble. We do not think a contribution of £50 per week towards your debts is sufficient. It should be doubled without a doubt and we look to your Probation Officer to exert some pressure in that direction.

So, as we have said somewhat reluctantly but in the interest of your wife, your child and your creditors, rather than you for whom we

have little sympathy, you are placed on probation for three years on the usual conditions that you will both live and work where directed by your Probation Officer; that you will be of good behaviour throughout that time; and subject to the further condition that you will perform 180 hours of Community Service to the satisfaction of the Community Service organiser. And that applies in respect of all six counts in the indictment concurrently.

No authorities.