

ROYAL COURT

12.

18th January, 1991

Before: F.C. Hamon, Esq., Commissioner, and  
Jurats Blampied and Hamon

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The Attorney General

- v -

Peter Francis Roscouet

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**OFFENCES:**

Larceny (Count 1); Attempting to obtain money by false pretences (Count 2); Count 3 withdrawn; Obtaining goods by false pretences (Counts 4-10); Road Traffic Parking Offences (Counts 11-24).

**PLEA:**

Guilty.

**DETAILS OF OFFENCE:**

The defendant stole £1,500 worth of tools from a supplier who had been selling them to him on hire purchase. Having opened a bank account, without placing any funds in it, he attempted to cash a £300 cheque on the account at the bank, then obtained about £1,000 worth of goods and cash by issuing seven cheques to a variety of tradesmen knowing they would be dishonoured. Almost nothing was recovered after his arrest. Nine of the parking offences related to overparking in disc areas, four to yellow line infractions and one to altering a parking disc.

**DETAILS OF MITIGATION:**

The defendant pleaded guilty. He was an inadequate, unrealistic person who could probably benefit from advice and guidance in managing his finances and lifestyle. The frauds, although serious, were not the average premeditated type of case where the defendant seeks to obtain large sums but more the actions of an undisciplined, easily swayed man who had got carried away.

**PREVIOUS CONVICTIONS:**

All Police Court.

18.3.85: indecent assault on three year old girl;  
17.1.89: driving without insurance;  
07.9.89: driving without due care;  
20.12.89: 2 counts of larceny as bailee;  
02.7.90: dangerous driving.

**CONCLUSIONS:**

Count 1: three months' imprisonment; Count 2: two months' imprisonment;  
Counts 4-10: six months' imprisonment concurrent with each other but  
consecutive to Count 1; Counts 11-24: £50 per count or one week's  
imprisonment in default concurrent with each other but consecutive to  
Counts 1, 2 & 4-10. Total nine months one week.

**SENTENCE AND OBSERVATIONS OF THE COURT:**

Conclusions varied: Count 1: one year's probation, plus 120 hours'  
Community Service; Counts 2, 4-24 18 months' probation.  
Offences committed out of financial desperation; lacked the degree of  
premeditation illustrated in the cases referred to by the Crown.

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J.A.Clyde-Smith, Esq., Crown Advocate  
Advocate S. Howard for the accused.

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**JUDGMENT**

COMMISSIONER HAMON: The learned Crown Advocate cited three cases to us,  
all of which were, as usual, most helpful, but they seem to us to show  
a more predetermined course of dishonesty than we have here.

That is not to say that these offences are not serious; they are,  
as are all cases of this form of dishonesty which come before this  
Court. But it appears to us that they were centred in desperation and  
we have to note what has been said about the accused; that he has a  
somewhat inadequate lifestyle.

The accused has already spent four months in custody and it seems to us that to grant the conclusions would be just to give him a further short term of imprisonment and then to release him on to the community.

Therefore, Mr. Howard, we are going to give him one last chance and it really must be one last chance as we see it, because he has just finished one period of probation, albeit a short period, and that does not seem to have done him much good.

In these exceptional circumstances, then, we are minded to follow the recommendations of the Probation Officer and we are going to sentence you to a total of eighteen months' probation with 120 hours of Community Service. But I have to say that this is your last chance and I hope you will benefit from what advice the Probation Officer undoubtedly says he will be able to give you.

Authorities

A.G. -v- Edwards (16th February, 1990) Jersey Unreported.

A.G. -v- Duquemin (16th November, 1990) Jersey Unreported.

A.G. -v- Le Cras (13th May, 1988) Jersey Unreported.