

ROYAL COURT
(Samedi Division)

213.

28th November, 1997

Before: F.C. Hamon, Esq., Deputy Bailiff and Jurats
Herbert and Jones

A.G.

-v-

William Howard Frank Thorne

I count of obtaining money by false pretences.

Age: 29

Plea: Guilty.

Details of Offence:

Whilst staying with his father, the Defendant obtained details of father's bank account and investments. Forged father's signature on letter of instruction to the Bank encashing investments. Countersigned cheques payable to father by again forging father's signature. Monies paid into mother's bank account. Defendant subsequently arranged for mother to withdraw the funds and the defendant spent all the cash which totalled £9,844.

N.B. After the offence it came to light that the monies/investments in father's name were in fact part of the proceeds of a fraud committed by Mr. Thorne senior and Patricia Ann Cavanagh against Messrs. Crills. Consequently the true victims in this case were Messrs. Crills and not the defendant's father.

Details of Mitigation:

Guilty plea - co-operation with police - admitted offence in 1992 when first discovered - delay in prosecuting which was not the fault of the defendant. Maintained that he took the money because his father had settled a similar sum on sister but made no similar arrangement for defendant. Feeling of resentment. Genuine remorse. Defendant had applied for residence order in respect of his two children currently in foster care. In receipt of housing benefit - and accommodation available - all of which would be lost if he received a custodial sentence.

Previous Convictions:

One for dishonesty but when juvenile.

Conclusions:

9 months imprisonment.

Sentence and Observations
of the Court:

The court took account of all the mitigation. Exceptional case.
Probation, with 120 hours Community Service.

D.E. Le Cornu, Esq., Crown Advocate.
Advocate S.E. Fitz for the accused.

JUDGMENT

THE DEPUTY BAILIFF: On 12th September, 1992 the T.S.B. Fund Manager C.I. Limited paid away three cheques in the sum of £3,097.09, £3,003.76 and £3,709.85 to a Mr. Thomas Thorne Senior who was the depositor. Investigations were then carried out. The accused had received the monies and had paid it into his mother's account having forged his father's signature both in the letter of instructions and on the back of the cheque. He apparently spent the money on his immediate family.

Thorne was originally charged in England but eventually charges were dropped and a warrant was taken out to bring the accused to Jersey. The fact that the monies did not belong to his father but had been embezzled from a local legal firm adds a further point to the story.

The father had apparently paid over £10,000 to Thorne's half sister and then invited him back to England with an encouragement that he would be treated in the same way but resiled on the arrangement.

Thorne's background has been difficult. The method of defrauding was totally unsophisticated and we have to recall that the charges against him were made in 1993. They were dropped eventually in England where he spent five weeks in custody. If we were to imprison him here he would lose his housing benefit and any chance of getting back with his two children and he is apparently, from the reference that we have seen, a good worker. We have a very detailed probation report from the West Midlands Probation Service and we have spoken in this Court today with Mr. Heath.

Miss Fitz, we agree with you that this is an exceptional case and we are going to take an exceptional course. Would you stand up, please. We are going to sentence you to probation for 1 year. You will do 120 hours Community Service, that is less than we would normally give you but we think that that is probably as much as you can take in one year. We are not going to make an order that you pay back this money but you may feel that you might like to pay it back, we will leave that entirely to your conscience and how you carry on because we feel if make an order that you pay back this money at £100 a month with your financial commitments you are going to get yourself into even worse trouble than you are at the moment. Just bear in mind what has happened and do not let it happen again.

Authorities

Whelan: Aspects of Sentencing in the Superior Courts of Jersey: p.53.