

ROYAL COURT
(Samedi Division) 135.

15th October, 1993

Before: J.H. Vint, Esq., Lieutenant Bailiff,
and Jurats Orchard and Le Ruez

The Attorney General

- v -

Stewart Brown,

and

Russell Schofield

Brown and Schofield

2 counts of larceny by servant (counts 1 & 2 of the indictment).

Brown

1 count of falsification of accounts (count 3).
1 count of larceny by servant (count 4).

Schofield

1 count of larceny by servant (count 5).

PLEAS: Gully.

CONCLUSIONS:

Brown:

Counts 1 & 2 : 15 months' imprisonment.
Count 3 : 3 months' imprisonment.
Count 4 : 15 months' imprisonment.
Sentences Imposed on Counts 1, 2, & 4 concurrent to each other,
but consecutive to that imposed on count 3: Total: 18 months'
imprisonment.

Schofield:

Counts 1, 2 & 5: 15 months' imprisonment, all concurrent. Total:
15 months' imprisonment.

SENTENCE OF THE COURT:

Brown: 2 years' probation; 240 hours' community service.

Schofield: 2 years' probation, 200 hours' community service.

W.J. Bailhache, Esq., Crown Advocate.
Advocate J.C. Gollop for the accused.

JUDGMENT

THE LIEUTENANT BAILIFF: The Court has been unanimous in its decision. Breach of trust cases always cause considerable anxiety to members of the Bench, especially when - as in this case and as the Crown rightly said - the circumstances are so very similar.

Both the accused are people of hitherto good character - we have read the references - and both are family men.

There are no exceptional circumstances in this case. It has been the policy of this Court for a very long time to impose custodial sentences for breaches of trust, but on this occasion, purely as an act of mercy, and after noting that there are no exceptional circumstances, we intend to impose probation orders.

This must not be seen as a green light for other members of the public to behave in a similar fashion in these difficult times when jobs are at risk, overtime is not available, and peoples' take home pay is not what it used to be in the halcyon days of two or three years ago. As I say, purely as an act of mercy, the Court is going to place you on probation for two years in each case. Brown, as a condition of the probation order, you will serve 240 hours community service. Schofield, to mark the distinction between the two of you, you will serve 200 hours of community service. This means that you will actually put something back into the community.

You must understand that the probation and community service order is not a "let-off", it is a punishment and I hope the public appreciates that.

We have also taken into account the fact that this has been hanging over your heads and has caused you and your families considerable anxiety for some seven months. We have also noted

that perhaps your employers were not as helpful as they might have been at one time when assistance was sought. We also note that it was some twelve months before any action was taken by the directors to bring these events to light. Your counsel mentioned what the effect would have been had you sought advice earlier, but I think the Court would like to say to people who find themselves in similar circumstances, that they should always seek advice; there is never, ever, any excuse to steal from the till of your employers.

Authorities

A.G. -v- Delaney (13th May, 1993) Jersey Unreported.

A.G. -v- Kerr (16th June, 1989) Jersey Unreported.

A.G. -v- Jeune (4th August, 1993) Jersey Unreported.

Thomas: Current Sentencing Practice: C3-2C: p.p. 30302-3.