

ROYAL COURT
(Samedi Division)

23.

7th February, 1997

Sir Philip Bailhache, Bailiff, and
Jurats Herbert and Quérée

The Attorney General

- v -

Anthony Richard Apperley

3 counts of larceny (counts 1,2,3).
4 counts of obtaining goods by false pretences (counts 4,5,6,7).
6 counts of obtaining money by false pretences (counts 8,9,10,11,12,13).

Plea:

Counts 1-3: not guilty. Plea accepted by the Crown.
Counts 4-13: guilty.

Age: 31.

Details of Offence:

Total amount : £807 - deliberate offences against shopkeepers - no prospect of restitution. Offences occurred while on probation.

Details of Mitigation:

Eventual guilty plea. Gap since offences of dishonesty. Difficult personal circumstances.

Previous Convictions:

Four previous convictions for dishonesty 1981-86. Motoring 1995. Had previously received custodial sentences for dishonesty.

Conclusions:

Count 4 : 6 months' imprisonment.
Count 5 : 6 months' imprisonment, concurrent.
Count 6 : 6 months' imprisonment, concurrent.
Count 7 : 6 months' imprisonment, concurrent.

Count 8 : 6 months' imprisonment, concurrent.
Count 9 : 6 months' imprisonment, concurrent.
Count 10 : 6 months' imprisonment, concurrent.
Count 11 : 6 months' imprisonment, concurrent.
Count 12 : 6 months' imprisonment, concurrent.
Count 13 : 6 months' imprisonment, concurrent.

Sentence and Observations of the Court:

Two years' Probation with 120 hours Community Service, to be completed within twelve months. Avoided custodial sentence because of long delay (10 months) between commission of offences and sentencing.

Miss S.E. Fitz, Crown Advocate.
Advocate S.I. Crane for the accused.

JUDGMENT

THE BAILIFF: Apperley, as we hope you appreciate these were mean offences of fraud, committed largely against people whom you knew. We accept in mitigation that the offences were committed after a long period when you had kept out of trouble and in fact we have
5 put out of mind those earlier offences, taking the view as your counsel urged us to do that they are, effectively, spent.

Nevertheless, they were offences of fraud which would, in the ordinary course of events, have led to a custodial sentence. We
10 are not going to impose a custodial sentence in this case because we do not consider it appropriate to do so in the light of the long delay which has taken place between the commission of the offences and your appearance before this Court for sentence. We think that the delay which occurred after your presentation on
15 indictment is a delay for which you must be held accountable in the light of your plea at that time, but the ten months' delay which took place before you were presented on indictment before this Court is a delay which, in our judgment, is too long. We are therefore not going to impose a custodial sentence but we are
20 going to impose a Probation Order linked to Community Service.

The sentence of this Court, therefore, is that you should be placed on probation on each count of the indictment concurrently for a period of two years, subject to the usual conditions that
25 you be of good behaviour during that time and live and work as directed by your Probation Officer, but subject to a further condition that you should complete 120 hours of Community Service which will be completed within 12 months.

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No Authorities.