

ROYAL COURT

6th February, 1989

Before: The Bailiff, and
Jurats Coutanche, Vint, Blampied,
Myles, Baker, Le Boutillier,
Orchard, Hamon and Gruchy.

Her Majesty's Attorney General

- v -

Graham Frank Alderson

Appeal against sentence of imprisonment of
15 months imposed by the Inferior Number of
the Royal Court on the 18th November, 1988, in
respect of 6 counts of embezzlement.

H.M. Attorney General for the Crown
Advocate C.J. Dorey for the appellant.

JUDGMENT

THE BAILIFF: The Court is satisfied that as regards the principle of sentencing a person who embezzles on this scale to imprisonment, the Inferior Number was not wrong in principle. We cannot find the exceptional circumstances which would have entitled us to substitute a sentence of community service for imprisonment; nor can we find that the Inferior Number was wrong to sentence the appellant to a term of imprisonment. However, having regard

to the comparative case cited to us of Prisk and to the restitution which you have made, we are prepared to think that there could be a further allowance made for mitigation and accordingly we are going to allow the appeal in part and substitute a sentence of twelve months' imprisonment in place of the sentence of fifteen months' imprisonment imposed originally.

Advocate Dorey, you will have your legal aid costs.

Authorities cited

Thomas Principles of Sentencing pages 50-53, 200-204, 207-208.

A.G. -v- T.L. Prisk (5th August, 1988) Jersey Unreported.