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ROYAL COURT

16th November, 1990

175.

Before: The Deputy Bailiff, and
Jurats Le Boutillier and Bonn

Attorney General

- v -

Roy Arthur Duquemin

Obtaining goods by false pretences 2 counts (being a motor vehicle and petrol) and obtaining services by false pretences (being ferry tickets).

Motor vehicle recovered but loss to garage of approximately £2,000 by virtue of general condition and mileage.

17 previous convictions (motoring offences, larceny and offences similar to those currently charged).

Financial difficulties. Accused now a member of the Jersey Community Church ('born again' Christian fellowship). Most personal belongings sold to 'make good' situation of creditors. Co-operative with Police.

Conclusions granted (Jurats divided - one Jurat would have imposed a higher sentence of 15 months - Deputy Bailiff's casting vote by convention goes to more lenient sentence).

Solicitor General.

Advocate A. Hoy for the accused.

JUDGMENT

DEPUTY BAILIFF: The Court has no hesitation in saying that a custodial sentence is the only proper sentence in this case.

As I said earlier Duquemin is nothing less than a common fraudster. There was no question here of obtaining essentials in order to maintain himself - he was in employment - or to look after his young daughter. The offence here is aggravated. We suspect that he intended to leave the Island with a motor car from the outset. Certainly if he had stayed here he would have been apprehended and lost the car within a matter of days. Having decided to go he was criminally motivated enough to purchase a return ticket to give the impression of a genuine transaction which patently it was not.

Furthermore he obtained £100 in cash from his employer but at the same time paid for petrol with a cheque which he knew would be dishonoured, a clear example of the workings of a criminal mind. The amount of mitigation is minimal and more than offset by Duquemin's previous criminal record.

Far from reducing the sentence, our discussions have centred upon a consideration of increasing the conclusions. Finally the learned Jurats were divided; one Jurat would have increased the sentence to 15 months; the other wished to grant the conclusions of 12 months. Duquemin is very fortunate that by convention my casting vote has to go in favour of leniency because my personal leanings were in the other direction, but as a result the conclusions are granted.

On count 1 you are sentenced to 12 months' imprisonment;

On count 2 you are sentenced to 3 months' imprisonment;

On count 3 you are sentenced to 3 months' imprisonment;

All those sentences to run concurrently, making a total of 12 months' imprisonment.

Authorities referred to:

- A.G. -v- Le Cras (13th May, 1988) Jersey Unreported.
- A.G. -v- Salisbury (15th July, 1988) Jersey Unreported.
- A.G. -v- Harnes (25th November, 1988) Jersey Unreported.
- A.G. -v- Edwards (16th February, 1990) Jersey Unreported.