

ROYAL COURT

13th March, 1992

37.

Before: The Bailiff, and
Jurats Blampied and Gruchy

Her Majesty's Attorney General

-v-

Gillian Burns

1 Count of Larceny as Servant (Count 1 of the Indictment);
3 Counts of Falsification of Accounts (Counts 2, 3, 4).

PLEA:

Guilty.

DETAILS OF OFFENCE:

Burns was a dental nurse/receptionist who stole £3,372 from her employer over a period of 6 months. The theft came to light when she was on holiday. *Modus operandi* was to receive payments from patients and to fail to enter them in the "day book".

DETAILS OF MITIGATION:

Very co-operative with the police, full confession, expressed remorse and an intention to repay. Said to have been led astray

by flat-mate who had worked with her for the same dentist until being dismissed. 3 months pregnant at date of sentence.

PREVIOUS CONVICTIONS:

None.

CONCLUSIONS:

6 months' imprisonment.

SENTENCE AND OBSERVATIONS OF THE COURT:

Probation: 1 year plus 120 hours of Community Service.

REMARKS:

Jurats divided; one would have granted conclusions and one, as an act of mercy, would have imposed Community Service Order. Bailiff's casting vote given to the side of mercy. No interference with the principle.

The Attorney General.

Advocate A. Messervy for the accused.

JUDGMENT

THE BAILIFF: One of the Jurats felt he was unable to find exceptional circumstances and therefore would have granted the conclusions of the Attorney General. The other Jurat, whilst also finding there were no exceptional circumstances, would as an act of mercy, change the conclusions and follow the suggestions in the Probation Report. Therefore it fell to me to decide which of the two views I should support and I support the Jurat who would vary the conclusions as an act of mercy and for no other reason, whilst not departing from the principles.

Therefore, you are placed on probation for one year concurrently on all counts and you will serve a total of 120 hours of community service, which will be supervised by the Durham Probation Service. We note from the report of Dr. King that the order will be rigorously enforced and any breach will be immediately reported. If you do not comply with your orders properly, or break your probation - it is a form of trust we are putting in you - then you might be brought back here and sentenced accordingly.

Authorities

AG -v- Picot (29th May, 1990) Jersey Unreported.

DS Weston (1980) 2 Cr. App. R. (S) 391.