

ROYAL COURT

10th April, 1992

64.

Before: The Bailiff, and
Jurats Coutanche and Le Ruez

HM Attorney General

- v -

David Harkins

OFFENCES:

- (1) Obtaining goods by false pretences
(14 Counts);
- (2) Breach of Community Service Order, imposed in the
Police Court on 25th October, 1991.

PLEA:

Guilty.

DETAILS OF OFFENCES:

(1) Harkins was taken into a woman's home and offered accommodation in exchange for decoration and other work about the house. Having been permitted for that purpose to use the woman's charge card at Norman Limited, Harkins used it to obtain £2,500 worth of tools which he subsequently sold. No real remorse. Not prepared to give police information about purchases.

- (2) Charge 1: offence under Article 28 (as amended) of the Road Traffic (Jersey) Law, 1956 (taking and driving away);
Charge 2: offence under Article 16A(1) of the said Law (driving after consuming excess of alcohol);
Charge 3: offence under Article 3 of the said Law (driving without valid licence);

Charge 4: offence under Article 2 (as amended) of the said Law (driving whilst uninsured).

DETAILS OF MITIGATION:

Admitted offences. At time of trial expressed remorse and an intention to repay.

PREVIOUS CONVICTIONS:

A few for dishonesty.

CONCLUSIONS:

(1) 10 months' imprisonment
(2) charge 1: 2 months' imprisonment; charge 2: 1 month's imprisonment; charge 3: £50/1 week; charge 4: 2 months: said sentences of imprisonment to run concurrent with each other, but consecutive to sentence of 10 months' imposed in (1).

SENTENCE AND OBSERVATIONS OF THE COURT:

Conclusions granted.

Attorney General.

Advocate A.P. Begg for the defendant.

JUDGMENT

THE BAILIFF: This is a clear breach of trust in which you were taken into somebody's house, Harkins, given free accommodation in return for some work in the house and you abused that trust very seriously.

You have at last admitted that you spent the money on drink. It was said that it was for your living expenses, but in fact you were receiving free accommodation.

There is no indication that you looked for another job to replace the one that you were going to lose. You resorted to this trick - and it was a trick - to obtain money. You intercepted a letter which would have disclosed what you had been doing before the police eventually caught up with you. You refused to tell the police in what public houses you had sold these tools. The Court does not accept that you did not know where you sold them; it might be possible that you do not know to whom, but at any rate the public houses could have been identified.

In AG -v- Hamon (8th January, 1990) Jersey Unreported, we have looked carefully at the list of items to which the Court said that it would have regard in matters of breaches of trust, but we find nothing which would justify our departing from the usual practice of the Court where there are breaches of trust of this magnitude - there is quite a large sum involved although over quite a short period of time. We have no doubt that if you had not been caught you would have continued. There is very little mitigation to find in this case.

Accordingly you are sentenced, as the Crown has asked, to 10 months' imprisonment on each of the fourteen counts of this indictment, concurrent, and for the breach of the Police Court Probation Order to two months' imprisonment on each of charges 1, 2 and 4 concurrent with each other, but consecutive to the 10 months' sentence, making 12 months' imprisonment in total. On charge 3, you are fined £50 or one week's imprisonment.

Authorities

AG -v- Hamon (8th January, 1990) Jersey Unreported.

AG -v- Coates & Kuzak (3rd January, 1992) Jersey Unreported.

AG -v- Burns (13th March, 1992) Jersey Unreported.

AG -v- Coll (7th February, 1992) Jersey Unreported.