

ROYAL COURT

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24th April, 1992

Before: The Deputy Bailiff, and
Jurats Hamon and Vibert

The Attorney General

- v -

Gerard Fitzpatrick

I Count of Larceny (Count 1 of Indictment)
1 Count of Fraudulent Conversion (Count 2).

PLEA:

Guilty

DETAILS OF OFFENCE:

Manager of Seaforth Hotel; responsible for collecting and banking contributions from Thrift Club members. Also organized raffles, etc., profits of which should have been banked. During 1991 kept and spent £7,833 of contributions. Charged with that deficit, specimen charges only, because impossible to quantify raffle, etc. sums taken.

DETAILS OF MITIGATION:

Good character - plea of guilty (remorse). Some money available to be returned (£1,500) - expressed intention to repay whole fund - voluntary return to Jersey - full co-operation - used money to pay bills - not spent on luxuries.

PREVIOUS CONVICTIONS:

Nil.

CONCLUSIONS:

18 months' imprisonment.

SENTENCE AND OBSERVATIONS OF THE COURT:

Conclusions granted. Thrift Club cases form a recognizable group. Mean offence. Bound by Superior Number in the cited cases.

C.E. Whelan, Esq., Crown Advocate.
Advocate S.J. Habin for the accused.

JUDGMENT

THE DEPUTY BAILIFF: This is a bad breach of trust case. The case of AG -v- Goodsir (29th February, 1984) Jersey Unreported laid down principles by which this Court is bound. It swept away all earlier lenient decisions. This case has to be compared with the cases of Goodsir, Boyle and Blackmore. In all three cases the sentences imposed were upheld on appeal. There must be a deterrent element, regardless of the strong mitigation.

It is not necessary for me to repeat what was said in the Goodsir appeal judgment, but it applies almost completely to the present case. The Superior Number has said that thrift club cases are in a special and separate class. The Court is unanimous in saying that the conclusions are right and proper.

Therefore, Fitzpatrick, you are sentenced to 18 months' imprisonment on each of the two counts concurrently.

Authorities

AG -v- Goodsir (29th February, 1984) Jersey Unreported.

AG -v- Blackmore (12th July, 1988) Jersey Unreported. C.of A.

AG -v- Boyle (7th January, 1985) Jersey Unreported C. of A.