

ROYAL COURT
(Superior Number)

31st October, 1988

Before: The Bailiff and
Jurats Coutanche, Vint, Lucas, Myles, Baker,
Bonn, Hamon, Gruchy and Le Ruez.

Her Majesty's Attorney General

- v -

John Connor.

Superior Number sentencing - two counts of larceny as a servant involving a total of £22,997.46. The accused, a man of previous good character but a gambling addict, had been employed in a senior position by a local firm of estate agents. Rent paid to the estate agents and received by the accused was used by him for gambling purposes. Any winnings thus acquired were applied to further compulsive gambling and not to the repayment of heavy personal debts (the accused having obtained loans to help furnish his gambling habit). At the date of sentencing, no restitution had yet been made.

H.M. Attorney General for the Crown
Advocate S.A. Meiklejohn for the accused.

JUDGMENT

THE BAILIFF: This is another sad case of a person placed in trust who has abused that trust. Gambling has already been found by the Court of Appeal not to be per se a mitigating factor in the absence of very clear medical evidence. We do not think that that medical evidence is as strong, Mr. Meiklejohn, as

you have, quite rightly, suggested to us. We have certainly taken into account all the matters of mitigation which the Attorney General himself mentioned and likewise those mentioned by you. We cannot find that there are those exceptional circumstances which would entitle the Court to depart from its normal practice. Therefore the conclusions are granted and you are sentenced to thirty months' imprisonment, concurrent, on each count.

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Authorities referred to:-

A.G. -v- J.T. Turner J.J. 12th July, 1984 - unreported.

A.G. -v- Pagett 1984 J.J. 57 C.A.

A.G. -v- Lloyd J.J. (3rd July, 1986 and 23rd September, 1986) (1985/86)
J.L.R. Part 4 N.7.

A.G. -v- T.L. Prisk J.J. 5th August, 1988 - as yet unreported.