

31st January, 1986.

R. -v- Victor John Pumfrett
(Larceny as a Servant)

J U D G M E N T

DEPUTY BAILIFF: "As has been said, the principle upon which the Royal Court acts in these cases is very well established: there will be a custodial sentence unless there are exceptional circumstances. There have been several cases of breach of trust in this Court in recent years, but as the Solicitor has said, the media publicity has been such that everybody in a position of trust should be well aware of the situation. The Court finds it amazing that intelligent persons, who are bound to be found out, should still resort to stealing from their employers. In addition to the passages from Thomas, which were read out, the Court thinks very relevant the passage on page 152 which says that "the substantial mitigation often seen in cases of this kind, where a man of good character may stand to lose, as a result of his conviction, his career, his pension rights, and possibly his home, is often balanced by the aggravating effect of the abuse of trust, which the offence constitutes". Furthermore, in addition to the cases which were mentioned, there is a further case on page 154. "In Crake, the manager of a newsagents' shop stole about £375 from the till over a period of about 6 months, and was sentenced to 2 years imprisonment. The Court stated that, while a man who commits systematic breach of trust in this way, cannot hope to avoid a sentence of immediate imprisonment, it was ^{not} necessary either for the protection of the public, to deter others, or to punish this man, that the sentence should be so long. The sentence was reduced to 12 months". That is the sentence asked for in this case. In the case of Crake, the amount was only £375, but the period was 6 months. In this case, we have a substantially larger amount, but a shorter period.

The Court has also noted the inclination referred to in the probation report to overspend on expensive gifts; we think that the mitigation is very strong, but nevertheless, that it has been taken fully into account. It is said that a person so immersed in Salvation Army affairs should succumb to temptation, because really he should be better able to resist temptation as a result of his training. The Court feels the maximum mitigation has already been allowed in the conclusions moved for, and the Court grants the conclusions. Pumfrett, you are sentenced to 12 months imprisonment.