

ROYAL COURT
(Samedi Division)

1st August, 1997

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Before: Mrs. J.G.B. Myles, Lieutenant Bailiff, and
Jurats Rumfitt and Quérée

The Attorney General

- v -

Cheryl Ann Thomas

1 count of larceny as a servant covering 35 fraudulent transfers. (Count 1)

Plea: Guilty.

Age: 32.

Details of Offence:

The defendant was the Administration Officer at Barclays Bank plc controlling the bank's clearing differences and sundry payment accounts and was responsible for the verification of the previous day's internal account entries on the bank's suspense accounts. Over a period of 19 months she fraudulently transferred sums of money into a joint account held by her and her boyfriend. Total sums stolen £44,562.78. Fully co-operative with the bank officers and then with the police. She forfeited her rights to pension benefits amounting to over £23,000. The amount outstanding to the bank at the date of sentencing was £21,762.71, which included a *bona fide* £5,000 loan.

Details of Mitigation:

Guilty plea. Co-operation. Probation recommended community service. Had lost her job at the bank but was now employed with a hire car firm, the employer being aware of the reason for her dismissal from the bank. She had agreed to pay off the amount outstanding by monthly payments of £156.96 but could not do so if she were in prison. Counsel urged that these exceptional circumstances allowed the Court to depart from Barrick. (1985) 7.Cr.App R(S)142

Previous Convictions: None.

Conclusions: 18 month's imprisonment.

Sentence and Observations of the Court:

Conclusions granted. In a position of considerable trust. Theft to allow a better lifestyle than her considerable salary. Court could not find exceptional circumstances.

Mrs. S. Sharpe, Crown Advocate.
Advocate P.C. Harris for the accused.

JUDGMENT

THE LIEUTENANT BAILIFF: Miss Thomas was an employee of Barclays Bank plc for some fifteen years, gradually rising to the position of Administration Officer, with responsibility for the accuracy of daily internal account entries on the bank's suspense accounts and with control of the bank's clearing differences and sundry payment accounts. This shows she was in a position of considerable trust when the present offences occurred. As we have heard she fraudulently converted some £44,562.78 of the bank's money to her own use, apparently, for a better lifestyle for herself and her boyfriend than her considerable income would support.

We can appreciate her motives in trying to help her mother, by buying out her father's share of the joint mortgage at a difficult time, but this was merely one contributory factor among widespread borrowing already going on.

Mr. Harris, you have said all that you possibly can on behalf of your client and we are fully aware of her immediate plea of guilty, her co-operation, her remorse and her offers of actual restitution. Her previous good character and her excellent references also stand her in good stead; we have read those references with interest. However, no real explanation for the offences, such as illness or addiction to gambling has been given to us, even in the very helpful probation report. The difficulty we have is that it is almost impossible to find exceptional circumstances. Thank you, Madam Crown Advocate, for the various cases you have quoted to us. Following previous cases heard in this Court and applying the sentencing guidelines in R -v- Barrick [1985] 7 Cr.App.R.(S) 142 we can find no exceptional circumstances which might allow the Inferior Number to deviate from the Court's well-known policy of imposing a custodial sentence.

Miss Thomas, stand up, please. Despite the considerable penalties you have already brought upon yourself, the loss of your job, the loss of your pension and the shame on your family, the Court is minded to follow the Crown's conclusions and sentence you, on the 35 counts of fraudulent conversion of money, to 18 months' imprisonment. We hope that when you have served your sentence you will continue to try and lead the exemplary lifestyle that you have managed for this short while, and repay your debts.

Authorities

R -v- Barrick [1985] 7 Cr.App.R(S) 142.

AG -v- Prisk (15th August, 1988) Jersey Unreported.

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

AG -v- Sproule (10th January, 1992) Jersey Unreported.

AG -v- Morris (3rd June, 1992) Jersey Unreported.

AG -v- Ryall (14th October, 1994) Jersey Unreported.

AG -v- Morrow (25th April, 1997) Jersey Unreported.