

13th January, 1986.

A.G. -v- George Brian Preston
(Superior Number)

BAILIFF: "The principle which this Court has laid down on many occasions and one which we do not intend to depart from is that of the absence of exceptional circumstances, a servant in a position of trust who steals from his employer must expect a custodial sentence. We therefore examined this case and asked ourselves whether there were those exceptional circumstances which would entitle us instead of imposing a prison sentence on you, to substitute something else. We cannot overlook the amount involved and although your counsel has said that without your co-operation the police might not have been able to have traced the figure on the monies stolen, nevertheless they certainly would have been able, as the Solicitor pointed out, to trace the sum of at least £4,129.95 in respect of the Golf Membership Book and in addition of course, there were the till rolls with discrepancies of something like £200 and there were some other figures involved and therefore we cannot accept that without your co-operation the police would not have been able to find a substantial amount of money which had been missing from the company's coffers. Moreover, the takings took place over a long period of time and even allowing for the co-operation which you eventually showed to the police and even feeling some compassion for you because we understand the difficulties you were in - nevertheless, the argument that an employee is entitled to help himself, if he is not very well paid, to his employer's money is not an argument which finds favour with this Court. It would be encouraging people to think that they could steal from their employers if they were not paid a high salary and indeed you were not and we understand your problems but in spite of all that Preston, we come to the conclusion that we must impose a sentence of imprisonment. However, under the circumstances, although 30 months were asked for we think the proper term of imprisonment is one of 2 years and you are accordingly sentenced.