

ROYAL COURT

19th November, 1987

Her Majesty's Attorney

-v-

James Harry Severns

Before the Bailiff, assisted by Jurats Coutanche, Gruchy and Hamon.
Sentencing of accused found guilty on one count of fraudulent
conversion by a Criminal Assize Jury on the 3rd November, 1987.

Advocate A.O. Dart for the accused

Advocate C.E. Whelan for the Crown.

Judgment

The Bailiff: In looking at this case Mr. Whelan, Mr. Dart, we have of course had regard to such authorities as we have been able to find. We had to ask ourselves (as the Court in Hitchcock did), whether this a case where a prison sentence is necessary. We haven't the slightest doubt that it is. It was a deliberate fraud on a friend who was cultivated by you, Severns. You took his savings and told him lie after lie. It was a callous, calculated confidence trick and we cannot say that it deserves other than a prison sentence. The second question which we had to ask ourselves, and did, was what was the minimum sentence possible? Again in the words of Hitchcock, first of all to punish the defendant for his crimes and secondly to mark the disapproval of the community for the criminal actions this man has committed. Thirdly, so far as a deterrent is concerned it cannot be a deterrent to him if he is going to be deported. We note in relation to the conclusions that there

is going to be a positive recommendation that he be deported and therefore the chances are indeed that he will be. But that is not something which we can really take into account in deciding what is the proper sentence or the length of sentence for this offence. We take into account that he is a first offender to all intents and purposes and that some of the money was paid back as a result of being pressed by the victim. We do not think that it was done out of the goodness of his heart and we cannot think that the conclusions are wrong. They are therefore granted. You are sentenced to eighteen months.

Authority referred to in the judgment:-

R -v- Hitchcock (1982) 3 Cr. App. R. (S) 160

Other authorities referred to:-

D.A. Thomas (2nd edition) p.166 et seq. re."confidence tricks."

Thomas' Current Sentencing Practice - p. 2321 and 2325/6 re. "obtaining by deception."

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