

ROYAL COURT  
(Samedi Division) | O

14th January, 1991

Before: The Deputy Bailiff and  
Jurats Coutanche and Vibert

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The Attorney General

- v -

Anne Elizabeth Russell

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One Count of Larceny  
Three Counts of Larceny as a Servant

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**PLEA:** Guilty

**DETAILS OF OFFENCES:** The defendant was responsible for booking the moneys of a thrift club. She was also bookkeeper for two different employers. She failed to book a sum which with interest approached £5,000. To cover the shortfall, she paid in her own cheque for £5,000. Her account had no funds to cover it, so she made out a cheque to herself for £5,000 on the account of employer A (of which she was an authorised signatory) and paid it into her account. To make good that deficit she completed a blank signed cheque given her by employer B for the payment of staff wages as a payment of £5,000 to herself, paid it into her bank account then transferred the £5,000 internally to the account of employer A. Although there were three thefts, there was only one victim who actually lost money (employer B). The last count related to a shortfall of £3,000 in the accounts of employer B which she admitted taking.

**DETAILS OF MITIGATION:** Divorced from her husband, with two children aged 12 and 10. £40 per week maintenance ordered, but husband paid very little. Financial difficulties. Did not intend to steal - started by taking small amounts which she paid back - then took more and more and could not pay back. The cheque offences were an attempt to cover up. The £3,000 shortfall - no wage agreed with employer B; she took money to cover wages. 20 month delay in bringing prosecution.

**PREVIOUS CONVICTIONS:** None relevant.

**CONCLUSIONS:** 12 months' probation and 180 hours' Community Service on each concurrent.

**SENTENCE AND OBSERVATIONS OF THE COURT:** Conclusions granted. Breach of trust usually merits imprisonment, but single parent of young children is an exceptional case. Delays criticised.

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Miss S.C. Nicolle, Crown Advocate.  
Advocate C.R. de J. Renouf for the accused.

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**JUDGMENT**

**DEPUTY BAILIFF:** The Court is going to grant the conclusions. The Court wishes to comment on two aspects of this matter.

Firstly, the lack of supervision of thrift clubs. I know this one dates back to 1988 and in many cases supervision and management of thrift clubs has tightened up in the meantime. But nevertheless it is another example - and we have had several before the Court over the past few years - of it being easy and tempting to people put in a position of getting their hands onto thrift club monies.

The second factor is that we really do not accept the explanation which has been given for the protracted delay. We cannot believe that members of the CID and Mr. Matos could not get together and sort things out over a much shorter period. We think it is very unfortunate that there should have been that long delay from which undoubtedly the accused is entitled to benefit.

We do in any case accept the third argument with relation to the children. It is a significant factor and although normally the Court does not take into account hardship to a family - in fact only last Friday in A.G. -v- O'Shea (11th January, 1991) Jersey Unreported, the Court refused to take that into account - in a case where there is a single parent and young children who would be deprived, it is right to take it into account.

Therefore, we grant the conclusions and, Russell, you are put on probation for a period of twelve months on each of the four Counts concurrently on condition that you will both live and work where directed by your Probation Officer; that you will be of good behaviour throughout that time and in addition that you will complete 180 hours of Community Service in respect of each count concurrently (180 hours in all).

I hope you realise that you are being treated very leniently. It is the policy of this Court to send people to prison for breach of trust offences. Therefore it is very much because of your children and because of the long delay that you are having this lenient treatment and I hope you will make the most of it.

Authorities

Thomas: Principles of Sentencing (2nd Ed'n) pp 211 - 213: The effect of the sentence on the offender's family.