

ROYAL COURT

5th March, 1992

33.

Before: The Bailiff, and  
Jurats Coutanche, Vint, Blampied,  
Orchard, Hamon, Gruchy, Vibert,  
Herbert and Rumfitt.

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**H.M. Attorney General**

- v -

**Paul Christopher Godfrey**

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Remanded by the Inferior Number on 7th December,  
1990, to the Superior Number for sentencing on:  
13 Counts of fraud (Counts 1-13 of the  
Indictment); and  
1 Count of attempted fraud (Count 14).

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**PLEA:**

Guilty.

**DETAILS OF OFFENCE:**

Manager of local furniture store. Agreed with Head Office in England that a female acquaintance should receive commission on all business introduced by her. He began to submit invoices for commission in respect of business which had not been introduced by her. Company lost £43,000 in this way over a two year period. Godfrey received about £36,000 and the female received the balance.

The case against her was not pursued in the Royal Court because of evidentiary difficulties in meeting the criminal standard of proof.

**DETAILS OF MITIGATION:**

Full co-operation, good character and guilty plea would not have saved him from prison; nor would the "need not greed" motive. But there had at his request and with the fiat of the Superior Number, been a 15 month delay in sentencing him while Foster tested the legal existence of the offence in the Court of Appeal.

**PREVIOUS CONVICTIONS:**

Nil.

**CONCLUSIONS:**

2 years' probation plus 240 hours of community service.

**SENTENCE AND OBSERVATIONS OF THE COURT:**

Conclusions granted. But for the exceptional circumstance indicated above, there would certainly have been a prison sentence. The policy in these breach of trust cases remains in full vigour.

**NOTES:**

Had the Crown moved for a custodial sentence it would have moved for 2<sup>1</sup>/<sub>2</sub> years' imprisonment.

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Advocate C.E. Whelan, Esq., Crown Advocate.

Advocate D.E. Le Cornu for the accused.

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**JUDGMENT**

THE BAILIFF: There is no doubt that this was a case of deliberate fraud carried out over a period of time. The Court wishes to say this that had the case been heard on the 27th February,

1991, which it was scheduled to be, they would not have seen their way clear to find special circumstances, and you, Godfrey, would undoubtedly have gone to prison.

However, because of the delay and the Crown's attitude to it which the Court can quite understand and of the fact that you have rehabilitated yourself, largely through your own efforts over the last fifteen months or so, and without in any way undermining the Court's general principle, which, we repeat, is that cases of this sort normally carry with them a prison sentence unless there are very exceptional circumstances - we have decided to grant the conclusions of the Crown Advocate and you are therefore sentenced to probation on each of the counts, for two years, concurrent, and you will carry out 240 hours' community service to be completed within one year.

Authorities

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