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ROYAL COURT

29th May, 1992

92,

Before: The Bailiff, and  
Jurats Vint and Hamon

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The Attorney General

- v -

Martin Harry Parkinson

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1 count of larceny as a servant.

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**PLEA:**

Guilty.

**DETAILS OF OFFENCE:**

Manager of the Eagle Tavern stole £4,100 from the till over a three year period. Dishonesty discovered at a comparatively early stage. Employer (Randalls) gave him a second chance, but he abused it and continued to take money until detected again.

**DETAILS OF MITIGATION:**

There had been a theft from the pub safe at one point, by persons unknown. Parkinson had blamed himself for carelessness and had made restitution. Good character; full co-operation with police; genuine remorse; plea of guilty.

**PREVIOUS CONVICTIONS:**

Housing offence 10 years earlier, but treated as man of good character.

**CONCLUSIONS:**

12 months' imprisonment.

**SENTENCE AND OBSERVATIONS OF THE COURT:**

9 months' imprisonment.

No exceptional circumstances capable of displacing custodial policy in these cases. Conclusions reduced to allow fuller weight to mitigation.

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

Advocate Mrs. M.E. Whittaker for the accused.

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**JUDGMENT**

**THE BAILIFF:** Your counsel, Parkinson, has said everything that she possibly could on your behalf and I want you to realise that there was nothing else she could really have said.

Nevertheless the facts are that you were given a second chance by the Brewery in September, 1990, and were put on notice that the Brewery were somewhat suspicious in 1991 as regards what was happening. You could, during that period when they approached you, have made a clean breast of it to them and perhaps they would have forgiven you, one does not know. But you did not; you continued taking money during that period until you were eventually found out and we cannot find that there are such exceptional circumstances in this case as would entitle us to depart from our normal practice.

Having said that, we are satisfied that you are full of remorse; that you have an intention in due course to repay; that there has been distress caused to your relatives; that you have pleaded guilty; and that there has been some effect on your health. Because of all these mitigating factors and not least, I repeat, because of the way in which your counsel presented your case we are going to reduce the conclusions to one of nine months' imprisonment.

Authorities

AG -v- Fitzpatrick (24th April, 1992) Jersey Unreported.

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

AG -v- Alderson (18th November, 1988) Jersey Unreported.

AG -v- Burns (12h March, 1992) Jersey Unreported.