

**ROYAL COURT**  
(Superior Number)

191.

26th October, 1992.

Before: The Bailiff, and Jurats  
Coutanche, Blampied, Myles, Hamon,  
Orchard, Gruchy, Le Ruez, Vibert.

---

The Attorney General

- v -

Mark Richard Amy.

---

Sentencing, following guilty plea on 9th October, 1992, before  
the Inferior Number, to one count of larceny as a servant.

AGE: 24.

PLEA: Guilty.

**DETAILS OF OFFENCE:**

Employed as a securities supervisor with an investments firm (Gartmore). Used his knowledge and experience of the firm's business to identify a high value dormant account. Created a bank account in false name, used his right of access to the employer's secure computer system to input the false name, and transferred £400,000. Destroyed documents, resigned and went to England, taking £60,000 with him. At the time of arrest was negotiating purchase of £200,000 house.

**DETAILS OF MITIGATION:**

Transexual who claimed to need the money for sex-change operation. Expert reports showed that he did have major gender dysphoria. However, of the £60,000 spent, only £995 went on hormone treatment, the rest was spent on luxury.

**PREVIOUS CONVICTIONS:** One motoring.

**CONCLUSIONS:** 3 years 6 months' imprisonment.

**SENTENCE AND OBSERVATIONS OF THE COURT:**

Circumstances not to be categorised as exceptional - but are of force as mitigation. Possible to reduce conclusions. 2 years 6 months' imprisonment.

---

**C.E. Whelan, Esq., Crown Advocate.**  
**Advocate N.F. Journeaux for the accused.**

---

**JUDGMENT**

**THE BAILIFF:** Although this Court consisted of myself and eight Jurats this morning, one of the Jurats, for personal reasons, has been unable to sit this afternoon or to consider the sentence that it is appropriate to impose on you, Amy. Therefore seven Jurats have considered it.

The Court gave anxious consideration as to whether it was possible to include your condition in those exceptional circumstances which would entitle it to depart from its usual practice of imposing a prison sentence for breaches of trust.

The Court examined very carefully the views of Mr. Hollywood, and the psychiatrist who had examined you. The Court came to the conclusion by a majority that your condition was not such as would entitle us to depart from the Court's principle of a prison sentence. Accordingly you are going to be sentenced to a term of imprisonment.

However, in considering the proper amount to impose, the Court had regard to the authority of Barrick (1985) 81 Cr.App.R.(S.) 78, and to other authorities put before us by your counsel, which indicate that the figure asked for by the Crown could properly be regarded as being on the high side. Making a greater allowance for your personal difficulties than the Crown felt able to do - and we do not criticise the Crown for this - the Court, by a bare majority, has decided that the appropriate sentence is one of 2<sup>1</sup>/<sub>2</sub> years' imprisonment and you are sentenced accordingly.

### Authorities

A.G. -v- Bates (19th April, 1985) Jersey Unreported; (1985-86)  
JLR N.24.

A.G. -v- Foster (2nd December, 1988) Jersey Unreported.

A.G. -v- Kerr (16th June, 1989) Jersey Unreported.

A.G. -v- Hamon (8th January 1990) Jersey Unreported; (1990)  
JLR N.11.

A.G. -v- Picot (29th May, 1990) Jersey Unreported; (1990)  
JLR N.11.

A.G. -v- Hartley (14th December, 1990) Jersey Unreported.

A.G. -v- Russell (14th January, 1991) Jersey Unreported.

A.G. -v- Godfrey (5th March, 1992) Jersey Unreported.

A.G. -v- Burns (13th March, 1992) Jersey Unreported.

A.G. -v- McGough (26th June, 1992) Jersey Unreported.

A.G. -v- Prisk (5th August, 1988) Jersey Unreported.

Hayden -v- A.G. (19th July, 1985) Jersey Unreported C.of.A.

A.G. -v- Lloyd (3rd July, 1986) Jersey Unreported.

A.G. -v- Lally (24th February, 1989) Jersey Unreported.

A.G. -v- Morris (3rd June, 1992) Jersey Unreported.

Thomas: Current Sentencing Practice:

B.6-1.3 R. -v- Seal (1989) 11 Cr.App.R. 297.

B.6-1.3 R. -v- Strubell (1982) 4 Cr.App.R.(S.) 300.

B.6-1.3 R. -v- Goring (1986) 8 Cr.App.R.(S.) 243.

B.6-1.3 R. -v- Ali (1985) 7 Cr.App.R.(S.) 337.

B.6-1.3 R. -v- Higgs (1986) 8 Cr.App.R.(S.) 440.

B.6-1.3 R. -v- Aucott & Penn (1989) 11 Cr.App.R.(S.) 86.

B.6-1.3 R. -v- Basalian (1989) 11 Cr.App.R.(S.) 42.

B.6-1.3 R. -v- Poulter (1985) 7 Cr.App.R.(S.) 260.

Barrick (1985) 81 Cr.App.R.(S.) 78.

R. -v- Miller 7 Cr.App.R.(S.) 318.

R. -v- Offord 7 Cr.App.R.(S.) 327.