

AG v Bryce-Richards

Jurisdiction:	Jersey
Judge:	Sir Richard Tucker, Jurats Le Brocq, Le Breton, Allo, King, Morgan, Newcombe
Judgment Date:	04 October 2005
Neutral Citation:	[2005] JRC 138A
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Text

[2005] JRC 138A

ROYAL COURT

(Samedi Division)

Before:

Sir Richard Tucker, **Commissioner, and** Jurats Le Brocq, Le Breton, Allo, King, Morgan **and** Newcombe.

The Attorney General
and
Christine Susan Bryce-Richards

S. Baker, **Esq., Crown Advocate.**

Advocate A. Winchester for the Defendant.**Authorities**

AG v Hanley (1993) JLR N-9.

AG v Young (1998) JLR N-16.

R v Barrick (1985) 7 Cr. App. R.(5) 142.

AG v Delaney Jersey Unreported 13th May, 1993.

R v Clark (1998) 2 Cr. App. R. 9(s).

AG v Nelson Jersey Unreported 18th October 2002 2002/199.

Sentencing by the Superior Number of the Royal Court on conviction in the Assize Court on:

1 count of: Fraudulent conversion.

Age: 44.

Plea: Not guilty.

Details of Offence:

Between 14th July 1998 and 14th October 1999 Mrs Bryce-Richards was entrusted to administer trusts holding property valued in the region of £2.5 million. She was a trust and company administrator. She was also intended to be the ultimate beneficiary of the trust that was settled following the death of the settlor and his wife. She fraudulently converted the trust property by advancing her interest so that she benefited before the death of the settlor's widow.

Details of Mitigation:

Good character. Has lost her career.

Previous Convictions:

None

Conclusions:

Mr Bryce-Richards was trusted absolutely by the victim. She presented herself as a professional trustee with many years' relevant experience. The fraud was perpetrated over 18 months. The funds were put to the use of the defendant and her husband. The victim was left worried about her financial security. The defendant denied the victim information

about the funds. Offences of this sort undermine Jersey's reputation as a finance centre.

Conclusion 7 years' imprisonment. (Starting point 10 years' imprisonment).

Sentence and Observations of Court:

Starting point — 9 years' imprisonment — bearing in mind amount of money involved.

Sentence 7 years' imprisonment.

Compensation Orders £125,000 to Jacqueline Holmes.

£ 25,000 to the children of Terrence Fountain.

Confiscation Order to be determined, default sentence of 7 years consecutive.

THE COMMISSIONER:

- 1 As will have been apparent the Court has given very careful consideration to the sentence to be imposed in your case. You are 44 years old and you are of previous good character. You have been convicted by a Jury on overwhelming evidence, yet you still deny your guilt and apparently cannot, or will not, acknowledge any wrong doing.
- 2 In a letter put before the Court you set out a number of factors which you seem to believe justify your actions. If that is so you should have given evidence at your trial setting out your defence, but you chose not to do so. It is too late now to raise those matters before us, though we are told you intend to appeal your conviction. So far as this Court is concerned you have been found guilty by a Jury and you are to be sentenced for that offence. It was an offence of dishonesty and a breach of trust, not only in the strict legal sense, but of the trust, friendship and confidence that two elderly people reposed in you.
- 3 I refer to your own letter, we have also read two other letters and a Social Enquiry Report. We bear in mind all the submissions made on your behalf by Advocate Winchester. We are quite unable to accede to his suggestion that a non-custodial sentence would be appropriate.
- 4 You have to be punished for your dishonesty as a professional trustee, and the reputation of Jersey as a financial centre has to be protected by a sentence which will deter others minded to breach the trust reposed in them. The mitigation available to you is limited, and in our view more limited, than that suggested by the Prosecution.
- 5 First, your previous good character. Second, the fact that you were the ultimate beneficiary and third, that you have lost your professional career. You failed to co-operate in any way in bringing the case to trial, or in recovering the lost proceeds of your crime.

- 6 So what starting point should the Court adopt? We bear in mind those features which distinguish this case from others to which we have been referred. Here there was only one victim, not a series of victims and the offence was not committed over as long a period of time. In all the circumstances we consider that the appropriate starting point to adopt is 9 years. Applying to that figure the limited degree of mitigation to which I have referred we arrive at a sentence of 7 years' imprisonment and that is the sentence which the Court imposes.
- 7 In addition we make compensation orders as follows, in favour of Jacqueline Holmes the sum of £125,000 and to the three children of Terrance Fountain the total sum of £25,000, that is to say to each of them Amanda Marie, Alexia Michele, and Lloyd Thomas the sum of £8,333.33. We are minded to direct that that sum be paid out of any sum ordered to be confiscated. That matter we shall consider tomorrow.
- 8 We reserve the right to impose a sentence of imprisonment, consecutive for failing to pay the compensation order but if, as we are minded to do, we order it to be paid out of the confiscation order which we shall consider making then no such sentence will be imposed in relation to the compensation. Though no doubt we shall think it right to impose a sentence in relation to any confiscation order. Those are the sentences of the Court.