

**ROYAL COURT
FULL COURT**

11 July 2019

**Before: Judge J R Finch OBE, Judge of the Royal Court and:
Barbara Jean Bartie, Claire Helen Le Pelley, David Allan Grut,
Jonathan Grenfell Hooley, Alan Stevenson Boyle, Peter Francis Gill,
David John Robilliard, Stuart Michael Crisp, Marilyn Jasmine King, Jurats.**

THE LAW OFFICERS OF THE CROWN

- v -

Matthew Gerard Malcolm GLEN-WILLIAMSON

Crown Advocate W L Giles appeared for the Crown

Advocate L C Roffey appeared for the Defendant

JUDGE OF THE ROYAL COURT:

Background

You appear here today for sentence in respect of one count of fraud by abuse of position. The maximum penalty is 12 years' imprisonment.

You are now a local resident, aged 32 years and of previously good character. You were initially arrested in 2018, and, after an investigation you were charged on 20th March, 2019. You submitted a prepared statement which admitted responsibility for the theft of 107 mobile phones, which assisted the investigation. You were committed for trial and pleaded guilty at the earliest opportunity.

You were employed by Guernsey Airtel as Guernsey Business Manager. Putting the matter as simply as possible you used your own company to sell your employer's hand-held mobile telephones largely through e-bay. You used your access to stock control to take the devices. The Probation report puts it simply and well, you breached the trust of your employer, whilst in a position of responsibility to steal from them and profit accordingly. The total value is considerable: £66,672.85, a so-called "roll up" count.

Sentencing Considerations

This is, regrettably, a classic case of a breach of an employer's trust. We have guidelines on such cases from the Guernsey Court of Appeal in the case of McCarthy. This enables us to find the appropriate band of sentences and fix a starting-point before we consider any applicable mitigation.

For the amount £20,000 to £125,000 we are to fix our starting-point at between 2 to 3 years. There are other factors listed including the degree of trust and the period of offending etc.

The case is made worse by the fact you held an enhanced position of trust as a manager and betrayed that trust, as you freely admit, for personal gain.

Looking at the circumstances, we start above the bottom figure, and bearing in mind that sentencing is never a purely mathematical exercise, we go to a starting-point of 30 months.

Mitigation

We have listened carefully to what your Advocate has told us, read the other documents, and the Probation report. This refers to your observation that all this was “a failure in my beliefs, my ethics and my morals”. But we are bound to note, as does the Probation officer, the length of time you were offending. Your motivation for this extensive dishonesty and plain old-fashioned deceit is greed, your good references notwithstanding.

In your favour are your previous good character, now lost, and the admissions to the Police. We reflect these in our sentence and a rather enhanced discount is appropriate, over one-third.

Sentence

It was inevitable that you were sent to this court in view of the amount involved. It also follows that a custodial sentence is inevitable for offending on the scale of this offence and of this type. You have badly let down your employers. This is not the case of a junior shop assistant swiping a £10 note at the check-out, bad enough though that is.

The sentence of the Court must also repudiate dishonesty and show that the Court will appropriately punish these offences and the sentence is 18 months’ imprisonment from today.

Compensation

In view of the large amounts claimed, including additional matters to the charge, this is not the simple and straightforward situation where a criminal court can award compensation. We are not depriving the loser of their claim, but it is better suited to a civil court, where the whole question of the quantum, the amount, can be fully dealt with.

In addition, you will be under supervision for one-quarter of the total sentence after release.

Proceeds of crime – timetable as agreed.

Judge J R Finch OBE
Judge of the Royal Court

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