

Sentencing Remarks - The defendant, as court-appointed guardian, misused £274,750 of her mother's funds for personal benefit, breaching her fiduciary duty. She received a two-year prison sentence and was ordered to pay full compensation upon the sale of her property or within 12 months.

[2025]GRC074

**ROYAL COURT
FULL COURT**

19 May 2025

**Before: Catherine Maureen Fooks, Judge of the Royal Court
and Jurats: Steven John Morris, David John Robilliard MBE,
Stuart Michael Crisp, Marilyn Jasmine King,
Paul Martin Burnard, Heather Reed
and Kay Parnwell.**

THE LAW OFFICERS OF THE CROWN

- v -

CHRISTINE ANN PEET

**Crown Advocate C G Dunford appeared for the Crown
Advocate N Newell appeared for the Defendant**

JUDGE OF THE ROYAL COURT:

Background

Mrs Peet, you have pleaded guilty to a single count of fraud by abuse of position, namely that between 11 Oct 2021 and 15 July 2023, you withdrew or transferred money from your mother's accounts and used it other than for her benefit, in breach of your fiduciary duties as her guardian, contrary to sections 1 and 4 of the Fraud (Bailiwick of Guernsey) Law 2009, as amended, the maximum penalty for which is 12 years' imprisonment and/or an unlimited fine.

The facts are that, on 10 December 2020, you were appointed by the Royal Court as guardian to your mother on an application made by you, supported by a doctor's report that your mother was no longer capable (amongst other things) of managing her affairs and the Family Council, consisting of your husband and your mother's brother-in-law and his wife. You have a sister. She was not a member of the Family Council but was aware of the application and did not wish to be part of it in view of her long established residence outside Guernsey. You accept that you were told that you had to act in your mother's best interests and keep the Family Council informed. There can be no doubt that you were told these things, but you did neither of them.

Not long after the Guardianship Order was made, your mother moved into residential care and later into specialist dementia care. In September 2021, the Royal Court granted your application, supported by the Family Council, to sell your mother's home which was sold on 13 October 2021 and resulted in the receipt of a significant sum of money into the accounts holding your mother's funds. Whilst some were applied to your mother's needs, £274,750 was applied other than to her needs. The Prosecuting Advocate has set out certain transactions from your mother's accounts. Some of the money was applied, we are told, to works on your home and a large number of Apple purchases and to certain expenses for your daughter-in-law. There have been no reasonable answers to our questions about how the money was spent. We note that the spending started on 15 October 2021, within two days of the sale, and

began with a substantial transfer of money, followed by other transfers of a similar nature. We do not take into account the payment to your sister.

By July 2023, your mother's account was depleted to the extent that you sought financial assistance from the States of Guernsey Social Security Authority to pay her care fees. It was at this point that your offending was discovered. When challenged by a representative of the Social Security Authority, you claimed that your mother (on a date after the granting of the Guardianship) had told you that you could use the money for your own needs and you said that you might have been "a little naïve". The Family Council was never told of the payments though your husband, as part of it, was no doubt aware of the payments made to meet your and his needs. Had you not misapplied your mother's funds, she would have had sufficient to meet her care fees for 7½ years based on current fees. Your mother's fees are currently met out of public funds. None of the money taken has been repaid.

At your two Police Interviews, you largely exercised your right to silence but said that you believed that your mother would always be looked after by the States. We have considered who are the victims of your offending and we have identified three:

1. your mother;
2. the public purse; and
3. your sister, as a beneficiary of your mother's will.

You are a 65 year old woman 61- 63 years old at the time of the offending. You have lived in Guernsey since you were a young child. You are married with adult children. At the time of the offending, you were employed as a housekeeper at a residential home. You have recently been dismissed from that post as a direct result of the conviction in this matter. You have no previous convictions. You have been on unconditional bail throughout the proceedings.

Something must be said about the proceedings. The offence requires you to have acted dishonestly. There are two parts to the legal test for dishonesty - first what you genuinely believed about the dishonesty of your conduct and, secondly regardless of whether that belief was reasonable, whether your conduct was dishonest by applying the standards of ordinary decent people (in other words, an objective test). You initially pleaded not guilty (in October 2024) and then entered a guilty plea on 8 April 2025, on the basis that you accepted that your conduct was dishonest viewed objectively, but that you yourself did not consider that you had done anything wrong, as you genuinely believed that your mother (through her words and/or actions) wanted you to spend her money as you did, that you had not properly understood your duties as guardian and had acted naively. This stance resulted in a ruling (dated 11 April) that a Newton hearing was required to establish your actual state of belief as to your conduct. On 15 April you indicated your guilt on a full facts basis, that is to say that you no longer wanted to argue that you should be sentenced on the basis that you believed that you were not doing anything wrong and that you accept that you knew that what you were doing was dishonest. The Newton hearing was, therefore, vacated.

Your Advocate has reiterated today that your plea is wholly unequivocal and that you accept that you meet the subjective test for dishonesty. In our view, there has been a very slow acceptance by you that your actions were wrong. We reject absolutely any suggestion of naivety.

Sentencing Considerations

There is a Guernsey Court of Appeal case, namely McCarthy (Judgment 35/2008) which sets out sentencing guidelines in terms of factors to consider and, at paragraph 23, suggested starting points for cases involving breach of trust. The Court said this: "*when someone in a position of trust takes a deliberate decision to abuse that position, it is right that the person should know that he or she will almost certainly go immediately to prison and that the length of the sentence will reflect, among other things, the amount misappropriated*". The suggested starting point for a case involving sums

between £125,000 and £325,000 is 3½ years. The point is made in the case that the bands are arbitrary and that any sentence must reflect the particular circumstances of the case.

We set the initial starting point before aggravating and mitigating factors at 3½ years.

There are aggravating factors in your case:

1. the fact that the sum taken by you represented all your mother's funds and has left her reliant on public funds to fund her care and thus was a serious detrimental effect on your mother's financial position;
2. the impact on public funds of having now to fund your mother's care;
3. the extreme vulnerability of a person under guardianship and of that person being wholly dependent on the guardian to manage her affairs;
4. the impact on inheritance;
5. the sustained period of offending; and
6. the fact that this was a Court appointment.

We therefore set the Revised Starting Point, before consideration of plea and personal mitigation at 4½ years.

Mitigation

Plea

In relation to plea, you are not entitled to full credit because you did not enter a guilty plea at the earliest opportunity (October 2024) and only entered a guilty plea on 8 April 2025 and then on a basis which required a Newton hearing. You indicated your intention to plead guilty on a full fact basis on 15 April 2025 and entered that plea on 23 April 2025. We afford you a discount of 20%.

Personal Mitigation

The Court has considered carefully the very helpful Social Enquiry Report prepared in respect of you and we have also listened to the helpful submissions of your Advocate and are grateful to her for her assistance with our queries. We have carefully considered all the materials provided.

You are a 65 year old woman. You have no previous convictions which is an important piece of mitigation for you, especially at your age. The offending is said to be out of character for a person described as one of previous integrity and trustworthiness.

Despite some difficulties and trauma in your early life, you have always been a hard worker and a dedicated wife and mother. Your family and others are supportive of you. You had held your current post in the residential home for some 24 years and the loss of that job weighs heavily on you.

The financial consequences of the offending are significant:

1. there is the loss of your job and income and that you will struggle to find further employment with a conviction of this nature; and
2. the likely loss of your home as the funds improperly paid by you cannot otherwise be repaid.

We note that you did waive privilege so that the Court could see the actual advice you had received on the role of guardian, but we are in no doubt that you understood those obligations.

We note your acceptance now, with hindsight, that you should have liaised with the Family Council and that if you were in any doubt as to your responsibilities, you should have clarified them and that you accept that you were unable to rely on any wishes expressed by your mother. We note your

expressions of remorse, remorse which is assessed by the Report Writer as sincere and that you have an understanding of the impact of your offending on your mother.

We also note that you intend to repay the whole of the sum taken – by the sale of your home which is supported by your husband.

We take into account the concerns raised by your doctor, the report writer and others, as to your mental health and the impact on you of an immediate custodial sentence, which your doctor and the report writer describe as “seriously detrimental”. The report writer assesses you as a medium risk of harm to yourself in that environment.

You are assessed as having a very low likelihood of re-offending and we note that there is a request for a Proceeds of Crime Law investigation in respect of you.

Sentence

This was a shocking breach of trust by you. You are absolutely right to be mortified and devastated. You have brought disgrace on yourself. There is no doubt that the custody threshold is passed. You were entrusted by this Court to look after your mother’s money and you effectively took all of it from her leaving her unable to meet her basic needs.

We have listened carefully to all that has been said and written in support of a non-custodial alternative to immediate custody and we have taken into account the impact on you and your health of an immediate custodial sentence, the impact upon your husband and your mother herself, of being deprived of your visits and the consequences of your offending in terms of the loss of your job and the likely loss of your home. Nonetheless, after anxious consideration, we have concluded that the seriousness of the offence precludes any non-custodial alternative.

Taking into account everything that has been said and applying the appropriate discounts, the sentence will be one of 2 years’ imprisonment with effect from today.

Supervision

In accordance with section 1 of the Criminal Justice (Supervision of Offenders) (Bailiwick of Guernsey) Law, 2004, upon release (or completion of any parole period if applicable), you will be subject to supervision by the Probation Service for a period equal to one quarter of the total sentence, or the period you would have served had you not received remission, whichever is the shorter. If you fail to comply with the conditions of the supervision, you will be liable to further imprisonment, a fine, or both.

Compensation 1990 Law

The issue of compensation and the request by the Prosecution for an Order in favour of your mother in the full sum of £274,750 was thoroughly explored in the course of this hearing, in terms of the applicable legal principles, your means and the proposal made by you and your husband to repay the full sum. Having considered all the principles and representations, we have decided to grant the application made by the Law Officers for that compensation in the sum of £274,750, payable to your mother, [name redacted from the published version of these sentencing remarks].

We make the Order in the terms suggested by your Advocate, namely that the sum should be payable on the sale of your property, or within 12 months, whichever is the earlier. We point out for the avoidance of any doubt, that under the Law, the Order is suspended until the period for appealing has passed or until any appeal lodged has been determined.

In conclusion, the total sentence today is:

- **2 years' imprisonment** from today's date.
- **Compensation Order** in the sum of £274,750, payable as I have said, upon the sale of your property or within 12 months, whichever is the earlier.

Catherine Maureen Fooks
Judge of the Royal Court

19 May 2025