

Sentencing Remarks - Biljana Zekavica, was sentenced to 4½ years' immediate custody for multiple counts of fraud and abuse of trust. Abuse of trust in fraud cases, especially involving vulnerable victims, attracts immediate custody per McCarthy (Guernsey CA), with sentence length reflecting both the amount taken and aggravating factors; full credit is given for early guilty pleas and personal mitigation.

[2025]GRC078

**ROYAL COURT
FULL COURT**

20 August 2025

**Before: Catherine Maureen Fooks, Judge of the Royal Court and Jurats:
Jonathan Grenfell Hooley, Stuart Michael Crisp, Marilyn Jasmine King,
Felicity Jane Quevâtre, Richard Jeremy Wallen James,
Ian Michael Brown and Sally-Ann David.**

THE LAW OFFICERS OF THE CROWN

- v -

BILJANA ZEKAVICA

**Advocate C Dunford appeared for the Crown
Advocate S J Maindonald appeared for the Defendant**

JUDGE OF THE ROYAL COURT:

Background

You are here today to be sentenced on two Indictments. The first Indictment contains four counts of fraud by making false representations between 1 January, 2023 and 20 June, 2023 to Mr Peter Ninnim contrary to Section 1 and 2 of The Fraud (Bailiwick of Guernsey) Law, 2009 (“the Fraud Law”) for which the maximum penalty is 12 years’ imprisonment. The second Indictment contains one count of abusing a position of trust in respect of Laurie Phillips in October 2020 contrary to Sections 1 and 4 of the Fraud Law, for which the maximum penalty is also 12 years’ imprisonment, as well as 4 counts of fraud by making false representations between 2019 and 2022 to Mr Philips, Mr Christopher Bale, Mr Serge Maubec and Mr Charles Beardsley, and one count of possessing an article for use in fraud regarding Mr Phillips contrary to Section 6 of the Fraud Law for which the maximum penalty is 6 years.

There are five victims in total. There are two Indictments because the proceedings in respect of the first Indictment had reached the sentencing stage when the other matters came to light. The offences are all of a similar type and represent a pattern of offending so they should be sentenced together.

The facts have been fully set out by the Prosecution. As a preliminary point, you had owned a property (“the Property”) with your former partner which was sold on 6 April, 2021 and the proceeds, which we are told for you were £160,000, dissipated. Some of the payments made by your victims were made to your family members and you made some payments to your family members but it is accepted that you, and you alone, have benefitted from the money, that it was not used for the purpose stated to your victims and that you, and you alone, are responsible for the offending.

Taking the first Indictment first, Counts 1 to 4 concerns Mr Peter Ninnim and a fraudulent misrepresentation. You had known Mr Ninnim for several years, about 13 to 18 years, initially as a cleaner and then as carer for his wife, who predeceased him, and then again as a cleaner but also as his friend. You knew that they were wealthy. On occasion, Mr Ninnim had made some small loans to you which you repaid through unpaid work. Between 1 and 9 January, 2023 when Mr Ninnim was 89 years old, you asked him to lend you money to pay for repairs to the Property until its sale, which repairs were required by the purchasers, which was a lie as the Property had already been sold nearly 2 years prior. By cheques dated 6 February, 2023 Mr Ninnim paid you £32,000 via your daughter's account (Count 1).

Approximately two weeks' later, you asked for a further £27,000 claiming, falsely, that you had underestimated the costs of the required works and there was time pressure. Mr Ninnim paid you this sum by cheque dated 15 February, 2023 (Count 2). In response to his bank's query about the payment he said that he was, in terms, lending you money against your Property. Some time later you told Mr Ninnim that you were in agony with dental pain and needed £6,000 immediately to pay for treatment which would be repaid when your father was able to pay you about a month later. None of this was true. Mr Ninnim provided the £6,000 as a bridging loan (Count 3). When he chased you for repayment, you told him that your father was forgetful or on holiday.

It is accepted that you suffer from recurrent cysts on your scalp, which are not cancerous, and that you had had some removed in the past. It is the Prosecution case that the cost of removal in Guernsey in 2023 would be in the region of £400 in total. You initially told Mr Ninnim that you had cancerous lumps under your scalp and later that they were non-invasive. You said that you needed money to travel to England for the removal operation as you could not get funding for what was classed as cosmetic surgery here. This was untrue. He asked for a copy of the treatment programme as a condition of the loan. You provided only proof that you had the cysts. Nonetheless, he paid you £14,000 in two cheques dated 13 and 19 June, 2023 (Count 4).

The total loaned to you by Mr Ninnim was £79,000. You have not paid back any of the money to him though we are told that you worked unpaid to the value of £3,840 which we have taken into account.

At interview you explained that, following a breakdown, you had developed an addiction to spending. You admitted that you had lied to obtain the money and that Mr Ninnim thought that he would be repaid on the sale of your Property. You wrote two confession letters between this interview and a second interview at which you said that you always intended to repay the money. Sadly, Mr Ninnim died earlier this year but he had already made a Victim Impact Statement which we have heard and read. Whilst he, very fairly, said that he had not been particularly affected by what you did or suffered financial hardship, he said that he felt hoodwinked, let down and disappointed by you, a person he considered a friend. He just wanted to move on.

Turning now to Indictment 2, Counts 1 to 3 concern Mr Laurie Phillips and they are abuse of trust, false representation and possession of an article for use in fraud. You began working for Mr Phillips, a widower in his mid to late eighties, (he is now 92), as a carer, initially through the States of Guernsey and then, during Covid and, afterwards, privately. You were assisting with daily tasks including his shopping from 2019. He gave you his debit card and PIN so that you could do his shopping and withdraw small amounts of cash. In January 2022, he had £82,959.79 in his bank account. Between July 2020 and June 2022, you made 40 withdrawals of amounts between £100 and £500. Some of that money was used to pay his expenses. You also received cheques from his account in October of £3,000, £20,000 which was paid to your cousin (Count 2) and £6,000. In November 2020, Mr Phillips made an over the counter cash withdrawal of £10,000 which he told bank staff was to buy a car which he later confirmed he had not done. He said he probably had given the money to you. You received a further cheque for £18,000 on 16 November. Concerns were raised about the amount of money he had given to you. When asked by the Economic and Financial Crime Bureau, he said that the funds were loans to a friend to repair the Property which you did still own at that time. By June, 2022 his bank balance had reduced to £59.67. He was receiving modest income into his account. From June 2022 to October

2024, you made 171 cash withdrawals from his account from £30 to £500 and, again, we note that some of that cash was used to pay his expenses. There were over the counter cash withdrawals in March 2021 of £1,200, in November, 2023 and £1,500 in February, 2024. You also paid your daughter two payments of £2,000 each from his account. All of these sums are included in the amount taken from him. You also had access to his credit card and you were trying to pay the balance which had risen to £9,000 by August 2023 from his account which was unsuccessful as he had no funds. Although concerns were raised by his family, and despite safeguarding intervention and concerns raised by the Bank, he was unwilling to provide information or support any action against you. Matters came to a head in October 2024, when he became unwell, and a family member discovered that he was about to be taken to Court regarding the unpaid credit card. You were asked by the family member if you had his bank card which you denied. Police were contacted and you were arrested. You produced a note purported to be from him concerning £20,000 given to a member of your family for accommodation. His bank card was found in your shoe when you were searched in custody (Count 3). The Police spoke with Mr Phillips on two occasions. He said that he had loaned you money for home improvements, that none of it had been repaid, that he had not purchased a car, that he had probably given the £10,000 to you and that he did not recognise the name of your cousin. He seemed shocked to hear about the cheque for £20,000. It was not until this late stage that he could bring himself to accept that you had done any wrong to him.

The losses, according to the Prosecution, are as follows:

- £47,000 in cheques;
- £10,000 withdrawn from the Bank and given to you;
- £14,690 cash withdrawals 2024;
- £19,390 cash withdrawals 2021 – 2023; and
- £4,000 paid to your daughter.

It is accepted that £8,840 of those cash withdrawals was applied to Mr Phillips' own expenses and, therefore, the total taken from him is £86,240 of which none has been repaid.

At your first Police interview, you denied stealing any money. You would not comment on any loans. You explained that your own finances were not good. You said that you had picked up Mr Phillips' card to keep it safe and you were going to hand it over before your arrest. At the second interview, you denied receiving the £10,000. You said that the £47,000 was a loan for property repairs.

Mr Phillips has also given a Victim Impact Statement in which he eloquently describes the considerable impact of your offending on him in terms of leaving him without funds even to pay bills and leaving him in debt. You have taken his life savings leaving him with financial uncertainty rather than the security he should have at his stage of life. He feels particularly let down as he relied on you not only for physical assistance but for emotional support and peace of mind. He describes the impact in terms of physical harm, psychological harm and trauma to him and those who care for him. He said this: *“to take advantage of a vulnerable and elderly man under the guise of carer is a deeply shameful and detestable act”*.

Count 4 relates to Mr Charles Beardsley and is a charge of fraudulent misrepresentation. You and Mr Beardsley were friends of several years; he trusted you. In 2020, you asked him repeatedly to lend you money for a deposit on a house in Cornwall which he did agree to do, somewhat reluctantly, on the basis that you owned the Property here. Between November 2020 and April 2022, he made four payments to you, three of £5,000 and one of £9,000 totalling £24,000. As set out in the Prosecution outline, you paid the majority of the money to your cousin but you accept that ultimately you received it. You did not use the funds for a deposit. In July 2022, you and Mr Beardsley completed an agreement for repayment which included £5,700 interest, which you accept should be added to the sum taken. You have repaid £13,960 so the remaining outstanding sum is £15,740 including the interest. Mr Beardsley

did not make a Victim Impact Statement but it is obvious that he will have been impacted by this fraud. You were interviewed by the Police and exercised your right to silence.

Count 5 relates to Mr Christopher Bale and is another count of fraudulent misrepresentation. You and Mr Bale were friends of over 20 years. In May 2022, you asked him to lend you money so you could buy equipment for the cleaning business you were starting. You said that you had encashed your States pension and expected funds in 10 days but needed the funds to buy the equipment immediately. None of this was true. Specifically, you had already encashed and received your pension funds. Mr Bale agreed to lend you the money on a short term basis until the pension funds came in. Over a two week period he paid you £8,500 in three amounts. Between May and July 2022, Mr Bale repeatedly asked for his money back and you made numerous excuses and told more lies. In July, you met him and told him you had a potential buyer for the cleaning equipment you had purchased when, in fact, you had not purchased any such equipment. Mr Bale continued to press for his money and you to make excuses for the non-payment. You did agree to pay £1,500 interest which is added to the total sum. We have heard read out the messages he sent in September in which one can hear his desperation to be paid and the problems the loan were causing him and his family, including having to let his son down over a trip and serious difficulty meeting his household needs. In October he asked to have the equipment to sell so that he could get the funds as he was unable to fund his rent. You made various excuses because you had no equipment to hand over. Between February and June 2023, you repaid £600. The remaining sum outstanding is £9,400.

At Police interview you exercised your right to silence. Mr Bale's Victim Impact Statement sets out in detail the huge and long term impact on him of your fraud which he describes as an act of generosity and kindness on his part which has cost him so dear. He describes having suffered unspeakable financial and mental suffering. The money represented a significant sum to him and was ear-marked for various matters. He describes how hiding the fact that the money was gone impacted his mental health and his relationships with family and others. His repeated pleas for repayment left him feeling hopeless, pathetic and powerless, and he blamed himself.

Count 6 relates to Mr Serge Maubec and is also a fraudulent misrepresentation. Sadly, Mr Maubec died in 2020, so it is his ex-wife who has provided the evidence and Victim Impact Statement. Though they were divorced, they remained on good terms. Specifically, she supported him after he was diagnosed with brain cancer. In 2019, you were assigned by the States of Guernsey as a carer for Mr Maubec so that he could remain at home. In October 2019, he loaned you £35,000 which he told his ex-wife was for repairs to your property which you then did own. These funds were all paid to your cousin and were not put to repairs. On 1 November 2019, you prepared an agreement which you and Mr Maubec signed confirming that the loan would be repaid on the sale of your property, which it was not, that it would bear interest of £2,000 and that it was assigned to Mrs Maubec on his death. On 2 May 2020, you repaid £10,000 which may be part of the proceeds of a loan you took out from a local company for house renovations. On Mr Maubec's death, a new agreement was completed between you and Mrs Maubec confirming the outstanding amount of £27,000 which includes the interest and agreeing a repayment schedule. You repaid £6,300 between July 2020 and April 2022. You then stopped paying and, when pressed, gave various excuses and kept promising to pay. For example, when Mrs Maubec told you that their daughter desperately needed the money to return to scatter her father's ashes, you promised to start paying but you did not. The total outstanding, including the interest, is £20,700.

You exercised your right to silence at Police interview. We have a Victim Impact Statement from Mrs Maubec who describes Mr Maubec as a kind and trusting man who was already suffering immensely, physically and emotionally, from brain cancer at the time of the offending. He was house bound and isolated, vulnerable in every sense of the word. You were one of few visitors, a rare source of company and familiarity and he trusted you. He could not afford to lend you the money but he wanted to help you. When he realised that you were not going to repay it, the emotional toll on him was devastating. He felt tricked, ashamed, helpless, foolish and humiliated. She describes him as a dying man forced to carry the additional burden of betrayal and financial uncertainty, instead of finding peace in his dying months. She believes that the stress shortened his life and that the financial impact was catastrophic.

As his funds dwindled, he was fearful of managing his basic needs, such that the repayment of the £10,000 made by you came as a huge relief.

You are a 53 year old local resident, 48 to 52 years old at the time of the offending. You were working as a cleaner and a carer. You have a daughter and a cousin who are mentioned in the factual summary. You have previous convictions but we disregard them all in this matter and treat you as a person with no previous convictions. You have been on conditional bail throughout the proceedings. We note that some of the offending in respect of Mr Phillips occurred while you were on Police bail from September 2023 and Court bail from June 2024.

Sentencing Considerations

There is a Guernsey Court of Appeal case, namely McCarthy (Judgment 35/2008) which sets out the sentencing guidelines for cases involving breaches of trust. There can be no doubt that your offending against Mr Maubec and Mr Phillips, for whom you were a carer, is such a case. The case in respect of Mr Ninnim easily also falls into the same category. He was an elderly widower, you had been carer for his wife and you carried on cleaning for him and visiting him after her death. Whilst you were not an employee or carer for Mr Beardsley or Mr Bale, you were a trusted friend so there is no reason to treat those cases any differently.

At paragraph 16 of McCarthy, the Court of Appeal 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”.

At paragraph 23, the Court suggested starting points for cases involving breach of trust:

“We suggest, therefore, that, where the total amount involved is less than £20,000 or thereabouts, a term of imprisonment in a range between the very short and about eighteen months would be appropriate. Cases involving sums of between about £20,000 and £125,000 will merit a term of about two to three years’ imprisonment. Where the amount involved is between £125,000 and about £325,000, a term of three and a half years to five years is justified. Where appropriate, for example in the type of cases mentioned in Clark (R v Clark 1998 2 CrApp R 137), consecutive sentences may be merited. We emphasise that the suggested bands are intended for contested cases and that, in any case where a plea of guilty is entered, the court should give the appropriate discount.”

The type of cases mentioned in Clark include cases such as this one where there are multiple victims (Clark was such a case) so we have decided that we should approach the matter on the basis of consecutive sentences, one for each victim, with concurrent sentences in respect of Mr Ninnim and Mr Phillips where there is more than one count relating to each of them.

At paragraph 11 of McCarthy, the Court of Appeal set out factors to take into account when sentencing and we have also found the factors in the English Sentencing Guideline on similar fraud offences to be of assistance. In each case there was a high level of trust. In each case the funds were used by you for your own needs. In some cases there were repayments, which we will treat as a mitigating factors. In the case of Mr Phillips and Mr Maubec, you had a formal carer role which is a significant aggravating factor as it impacts on public confidence in such services.

A summary of the facts in relation to each victim are set out above. There is a pattern of offending in terms of the people you defrauded, they all knew and trusted you and were kind to you and there is the pattern of the lies that you told which were designed to be plausible and/or to arouse sympathy. We

find the offending to be planned and systematic. All your victims were vulnerable in different ways. We struggle to accept that there is nothing to show for your offending.

In the case of Mr Ninnim, £79,000 was taken over a six month period, none of which was repaid but you have said that you worked unpaid for a period and there should therefore be a credit applied of £3,840. He was an elderly man and you had a quasi-carer role in his life. The impact on him was not as great as on the others for whom the funds taken represented significant losses. We note that there are four separate offences.

In the case of Mr Phillips, he was also an elderly man and particularly vulnerable, the sum taken was £86,240. The offending was over a four year period. The impact was significant both emotionally and financially as this represented his life savings and left him in debt and unable to meet his basic needs. Part of the offending occurred whilst you were on bail. We note that there are three offences. We also note that you had presented to him a note to be signed which you produced on arrest, which we consider was designed to hide your offending. We take the view that the possession of an article, namely the bank card, adds nothing to the matter in the round, as it is part of the facts and will be included in the sentencing for Count 1 so will impose no separate penalty on that offence.

In the case of each of the following three matters, you agreed that the interest should be included as it was a term of the loan in each case. In the case of Mr Beardsley, to whom you were a trusted friend, the sum received was £24,000 over an 18 month period to which you agreed to add the interest sum of £5,700 and of which you have repaid £13,960, so that the balance due is £15,740.

In the case of Mr Bale, to whom you were also a trusted friend, the sum was £8,500 over a 2 week period it represented most of the cash available to him and his family and the emotional impact was very significant, £1,500 interest was added, £600 was repaid so the amount outstanding is £9,400.

In the case of Mr Maubec, a dying, vulnerable man, to whom you were carer, the sum was £35,000 of which £10,000 was repaid and to which interest was added of £2,000 when the debt was assigned. The impact on him was huge both in physical, financial and emotional terms at the end of his life. A further £6,300 was repaid to Mrs Maubec leaving the total outstanding to be £20,700.

We have taken individual starting points for each of the victims which are initially based on the amount which you took from them and which we have then aggravated to take account of the circumstances which I have just set out in respect of each of them.

Starting points:

- In respect of Mr Ninnim we take a starting point of 2 years 6 months which we aggravate to 3 years and 6 months;
- in the case of Mr Phillips we take a starting point of 3 years which we aggravate to 5 years;
- in the case of Mr Beardsley we take a starting point of 2 years which we do not aggravate in the circumstances;
- in the case of Mr Bale we take a starting point of 1 year which we aggravate to 18 months; and
- in the case of Mr Maubec we take a starting point of 2 years 3 months which we aggravate to 4 years.

We are alert to the risk that consecutive sentences are likely to lead to an overly long sentence and we will make appropriate adjustments for totality later on in the sentencing exercise.

Mitigation

Plea

The Court must consider the impact of your guilty pleas on sentence. We afford you full credit for your guilty pleas to all offences which you indicated and entered at the earliest opportunity.

Personal Mitigation

The Court has considered carefully the insightful Social Enquiry Report prepared in respect of you. We have listened to the succinct and appropriate submissions of your Advocate. We have carefully considered the letter from your doctor confirming certain medical conditions and the positive letter in which you are described as polite, friendly and willing to help others.

We note your difficult early years and educational difficulties. It is to your credit that you have always been a hard worker. Following the breakdown of your relationship and the house sale, it is said that you lost your home, your relationship, your confidence, your self-esteem and were struggling to deal with day to day tasks. You sought to hide your homelessness, along with your spending and gambling addiction from others and you were in a spiral of debt, borrowing (or defrauding others) and gambling to repay other debts and cover your expenses. This went on for years during which you sought no help. It is said that your shame and mental state prevented you from doing so. You are now ready to accept help from counselling services which is a step forward. You are also engaging with your GP properly to manage your anxiety which, again, is a step forward. We treat you as a person with no previous convictions which is an important piece of mitigation.

Although you accept full responsibility for your offending and have expressed remorse and shame, the report writer considers that you are still in denial about your offending and have not yet taken on board the harm that you have caused to your victims and we agree with that assessment. We note that it has taken time for all these complex matters to come before the Court and we acknowledge that this has been hanging over you during that period but, of course, the same is true for your victims and their families. We note the concerns for your welfare in prison with which Probation Services are appropriately dealing.

You are assessed as having a low likelihood of re-offending which we take into account. You pose no risk of physical harm but the risk of severe psychological harm through repetition of this offending remains. We note that there is a request for a Proceeds of Crime Law investigation in respect of you.

Sentence

You have defrauded five people out of over £230,000 of which over £200,000 remains outstanding. The guideline case of McCarthy is clear that an immediate custodial sentence is appropriate and you have sensibly not wasted the Court's time arguing otherwise. In your case it is inevitable that there will be an immediate custodial sentence in view of the numbers of victims and the extreme abuse of trust in respect of some of them. Such behaviours must be punished, others deterred and the public protected. Nothing less than an immediate custodial sentence will mark the seriousness of your offending. In structuring the sentences we have given you the full one-third discount for your guilty pleas and a further discount for personal mitigation which takes the total discount for plea and mitigation to 50%. In order to comply with the totality principle, we have then discounted the individual sentences further to arrive at individual consecutive sentences which, in total, add up to the total sentence which we consider reflects the totality of the offending. This means that the individual sentences are lower than they would have been had we been sentencing for each offending separately. The range of sentences in respect of each individual can be seen from the starting points to which reference has already been made.

In the words of one of your victims, what you have done are shameful and detestable acts. You took advantage of your relationship with each of your victims to meet your needs without considering the impact on them and their families, emotionally or financially, of what you were doing. To make matters worse, you took advantage of your position as long term carer to some of them which will send a chill through anyone whose family members are cared for in this way. The impact on some of your victims

was at the highest level of seriousness. Whatever was going on in your life does not excuse what you have done and you need to understand that, fully accept it, and take the help open to you in prison to deal with your issues.

Taking into account all that has been said and written and applying the appropriate discounts and principles and, in particular, the totality principle, the sentences will be as follows:

Indictment 1

Count 1 – 1 year’s immediate custody.

Count 2 – 1 year’s immediate custody, concurrent.

Count 3 – 1 year’s immediate custody, concurrent.

Count 4 – 1 year’s immediate custody, concurrent.

Those sentences relate to Mr Ninnim and total 1 year’s immediate custody.

Indictment 2

Count 1 – Mr Phillips – 18 months’ immediate custody, consecutive.

Count 2 – Mr Phillips – 18 months’ immediate custody, concurrent.

Count 3 – Mr Phillips – the possession of the article – no separate penalty.

Count 4 – Mr Beardsley – 7 months’ immediate custody, consecutive.

Count 5 – Mr Bale – 5 months’ immediate custody, consecutive.

Count 6 – Mr Maubec – 1 year’s immediate custody, consecutive.

Total term of imprisonment 4½ years 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

I turn now to the issue of the Prosecution’s application for Compensation Orders. Having heard submissions from counsel and, importantly, from your counsel that you agree to the making of Compensation Orders, we have decided to grant the application in respect of the losses which are as follows:

- In respect of Mr Ninnim, which will be due to his estate - £75,160;
- in respect of Mr Phillips - £86,240;
- in respect of Mr Beardsley - £16,740;
- in respect of Mr Bale - £9,400; and
- in respect of Mrs Maubec - £20,700

These total **£207,240**

The total sentence is as follows:

- Total term of imprisonment **4½ years** from today.
- Compensation Orders made as above.

Catherine Maureen Fooks
Judge of the Royal Court

20 August 2025