

IN THE LONDONDERRY CROWN COURT

R

-v-

LYNDSEY BREDIN

His Honour Judge Babington

[1] This defendant has pleaded guilty to 19 counts of theft. The counts are specimen counts and relate to a course of offending by this defendant. Over a period of approximately one year and a half the defendant stole some £60,000 or thereabouts belonging to Culmore Parish Church in Londonderry.

[2] The defendant, who was a qualified bookkeeper, was elected to the position of Honorary Treasurer in November 2009 and officially took on the post from 1 January 2010. Culmore Parish Church is run together with Muff Parish Church in Co Donegal and the defendant was responsible for both Churches. Her responsibilities, amongst other things, related to the lodging of monies including weekly collections, funeral and wedding donations and general fundraising monies. She was also expected to keep records and ledgers in

relation to the outgoings and expenditures of the business, Culmore and Muff.

- [3] As time went by the Rector, the Reverend Robert Millar, began to have concerns about the defendant's record keeping and a general lack of information coming from her regarding the financial situation. He thought at first she could just have been incompetent or it was because she was having personal difficulties. She did at one stage tell Reverend Millar that she had been diagnosed with ME. The lack of information became so serious that the Rector met with the defendant's father, who was a member of the Church, and told him of his concerns. On 9 November 2011 the Rector sent an email to Lyndsey requesting her to resign and a short time later an email was received from the defendant saying that she was resigning.
- [4] The Church then commenced an informal audit and that audit discovered that the defendant was paying cheques to herself rather than paying the outgoings of the Church. A full audit was later carried out and some £60,000 or thereabouts was found to have been taken by the defendant in this way.
- [5] The defendant was arrested on 13 December 2011. Her house was searched and she was later interviewed. She made full admissions during interview and said that she felt ashamed by what she had done. It seems that she used the money to pay for her own utility bills, but generally used the monies for what can be termed non-essential matters such as restaurants, weekends away, hotels and even the purchase of a car. It seems that not only did she pay for herself on occasions but on occasions also paid for others, who were enjoying themselves with her.

- [6] I have read a lengthy statement from Reverend Millar which sets out the impact of the defendant's offending on the Churches involved. It seems that at this time the Church was involved in intensive fund raising in respect of a new roof for the Muff Church and parishioners and members of the public could make donations by buying slates in memory of loved ones and those details were to be recorded. It seems that not only did the defendant steal the money donated but she also destroyed all the records of the messages given with these donations. It is also apparent that the defendant has destroyed various documentation which should normally be retained and generally it can be said that her offending has caused stress and hardship to the families who worship at these Churches.
- [7] One consequence has been that the Church has had to access Trust Fund Capital rather than simply use the income from that Capital. The consequence is that the financial position of the Church has been substantially weakened. The Church did have some insurance and it seems that the Insurance Company have paid the Church approximately half of what was taken by the defendant. This still leaves the Church at a substantial loss and no doubt the Church will be further penalised by the fact that insurance premiums will increase in due course.
- [8] The defendant is now aged 27. She has a completely clear record. I have considered a pre-sentence report in relation to her. It is quite clear that the defendant is an intelligent person having achieved ten GCSE passes and three A Level passes. She also attained a bookkeeping certificate. In relation to her offending she has told the author of the pre-sentence report that she regrets her actions. Strange as though it may seem she then tells the author of the

report that she feels that the Church did not provide her with the support she needed in relation to her abusive marriage and now attends a different Church where she feels more supported. She has been assessed as currently presenting as a low likelihood of re-offending. She has recently had a child who is now a few months old.

- [9] I have also been able to consider a booklet of medical evidence comprising principally the report from Dr Manley who is a consultant psychologist. He has reviewed mental health records relating to the defendant. Towards the end of his report he says the following:

“Difficult as it is to explain, and despite some inconsistencies in her presentation, it is my opinion that the defendant is unlikely to have committed the index offences had she been in good mental health and had not been psychologically distressed by the category of adverse events experienced in her life over the preceding five years”.

- [10] That is the opinion of a consultant psychologist which in some ways is difficult to understand as he appears to accept. That is because this defendant has not been consistent in her complaints and has told various medical advisers or medical professionals different things at different times. It is also not insignificant in my view that she has made complaints and added to complaints only after the uncovering of her own offending. It is also disappointing and hurtful that she seeks to criticise the pastoral support given by her previous Church which she has defrauded.

- [11] In regard to sentencing it is quite clear that the courts in Northern Ireland follow the guidelines laid down in the English Court of Appeal. Our own

Court of Appeal in the case of Gault [1989] NI 232 set out a number of matters to which a sentencing court should have regard to.

- *The quality and degree of trust reposed in the offender* – here the defendant was the Honorary Treasurer and had all financial matters totally under her control including the ability to sign cheques.
- *The period over which the thefts have been perpetrated* – in this case the behaviour has gone on for a period of approximately one year and a half.
- *The use to which the money dishonestly taken was put* – in this case the defendant used this money for her own use. It was not as so often happens in cases of benefit fraud that it was used to make ends meet so to speak but in this particular case it was used for matters that could be considered as luxuries. She purchased a motor vehicle, she spent weekends away, she paid for airline tickets and on occasions paid the bills of others involved in the same activity.
- *The effect on the victim* – I have already referred to this. The effect on the Parish has been very significant and will continue to be so for a number of years.
- *The impact of the offending on the public and public confidence* – that is self-evident. This is a very serious course of offending.
- *The effect on the offender herself* – I have already set this out.
- *Her own history* – I have already set this out. She is someone with a clear record.
- *Matters of special mitigation* – I have referred to these and in particular the report from Dr Manley.

- [12] It is quite clear to me that this offending passes the custody threshold and indeed such was accepted by Mr McAteer.
- [13] Generally one can say that the offending in this case has been aggravated by the length of time over which it was carried out and the impact that it has had on the parishioners in the Culmore and Muff Parishes.
- [14] This offending represents a very serious breach of trust by the defendant. It is stealing from those who she knew, her fellow parishioners, and putting in jeopardy plans to re-roof one of the Churches. Furthermore it is clear that her offending has adversely affected the financial future of the Churches for a very long time into the future. It is extremely disappointing that not a penny has been repaid. I know from what was said at one stage by Mr McAteer that it was hoped that compensation would be made but I also accept that this is not possible.
- [15] I take into account your pleas of guilty on arraignment and your admissions during interview - I intend to give you maximum credit for that meaning a lesser sentence than if you had not pleaded guilty. You will be sentenced to 18 months imprisonment on each of the nineteen counts. Those sentences will run concurrently. The only matter that I have to give consideration to is whether I should suspend the operation of those sentences. It is clear that I should only suspend the operation of these sentences in very exceptional circumstances. The fact that you have a very young baby is not something that is exceptional. The difficulty that I have is that I have grave doubts over whether the circumstances are very exceptional partly because I have some

doubt as to the medical evidence that has been placed before me. It is quite clear that you have been less than frank and honest with your medical advisers and it is not without significance that some matters have only come to light after the offending came to light. However after very careful consideration and deliberation I have come to the conclusion that I should give you the benefit of the doubt as Dr Manley obviously has and therefore not without hesitation I intend to suspend the operation of these sentences for a period of three years.

[16] That means this. If you offend again within the next three years you will in all likelihood have a period of 18 months imprisonment added to any other penalty that you will receive. Do you understand?

[17] If you had contested these matters and been found guilty I would have imposed a sentence in the region of 2 years and 3 months.

29 April 2014