



## Summary of Judgment

### DIRECTOR OF PUBLIC PROSECUTIONS V KERRY CAULFIELD

[2019] VSCA 131

14 June 2019

The Court of Appeal (Priest, Kaye and Weinberg JJA) today allowed an appeal by the Director of Public Prosecutions against a sentence imposed on Kerry Caulfield in respect of a single ‘rolled-up’ charge of theft. The Court held that the sentence imposed below, 9 months’ imprisonment combined with a 2 year Community Correction Order (‘CCO’) was manifestly inadequate. It increased that sentence to a total effective term of 2 years and 6 months’ imprisonment with a non-parole period of 18 months.

The charge period comprised offending committed during the period February 2015 through to February 2018. During that time, Caulfield dishonestly appropriated a total of \$463,028.80 from her long-term employer, Hopper Motor Group. During her employment, she was responsible for administrative and bookkeeping tasks. Caulfield committed the offending by falsifying ledger entries, failing to account for funds received, and altering the formulae in the ledger so that the individual acts of theft would not be apparent to others. The offending concluded when the company appointed a new Chief Financial Officer, who queried the company accounts. The respondent immediately resigned and subsequently made admissions to forensic accountants engaged by the company, and to Victoria Police.

The Court accepted the Director’s submission that the offending contained a number of aggravating features. These included the significant amount taken from Caulfield’s employer, that the offending was prolonged and constituted an egregious breach of trust against Caulfield’s employer, and that Caulfield made ongoing attempts to conceal the offending. While the Court acknowledged certain factors in mitigation, including Caulfield’s early guilty plea, cooperation with and admissions to investigators, genuine remorse, and difficult personal circumstances, the Court held that the sentencing judge was correct in characterising the offending as being ‘well into the mid-range of seriousness’ and ‘an objectively serious instance of theft.’ The Court also noted that the offending had had profound consequences for both the employer, and individuals associated with that company.

---

**NOTE:** This summary is necessarily incomplete. It is not intended as a substitute for the Court’s reasons or to be used in any later consideration of the Court’s reasons. The only authoritative pronouncement of the Court’s reasons and conclusions is that contained in the published reasons for judgment.