

1 **IN THE GRAND COURT OF THE CAYMAN ISLANDS**
2 **CRIMINAL SIDE**

4 **Ind. No: 0005/2014**

9 **THE QUEEN**

11 **V**

13 **MICHELLE BOUCHARD**

16 **Appearances:**

16 **Mr. Simon Russell Flint Q.C. and Ms. Toyin**
17 **Salako for the Crown**

19 **Mr. Peter Carter Q.C. with Ms. Lee Halliday-**
20 **Davis of Stenning & Associates for the**
21 **Defendant**

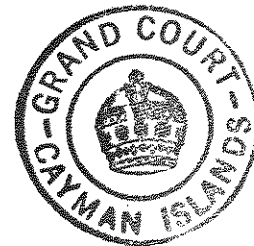
23 **Before:**

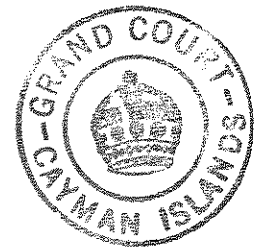
23 **Mr. Justice Paul Worsley (Actg.)**

24 **Heard:**

24 **21st April 2016**

28 **SENTENCE RULING**
29





1 *INTRODUCTION*

- 2 1. Michelle Bouchard. You stand convicted by this Jury on 25 counts¹.
- 3 2. The convictions arise from your relationship with a millionaire who was in his 80s
4 whom you met in the Cayman Islands when you were carrying out interior design work
5 on one of his properties.
- 6 3. By 2010 he had offered you a home in his Waters Edge apartment.
- 7 4. From that time until your arrest in October 2012 you set about stripping out his
8 accounts on an eye-watering scale.
- 9 5. In my judgment you are a manipulative and dishonest woman, driven by greed.
10 When you had stolen a substantial part of his money you boasted in your
11 journal that now at last you were a millionaire². You recorded

12 *“God please help me ensure that I get Jim to put all his assets into my name
13 in his will when he dies.”³*

- 14 6. The aggravating features of your conduct are these:
- 15 a. Your victim, H, was a vulnerable man. He had been a vigorous,
16 hardworking and highly successful entrepreneur of ability, charm and
17 initiative but, by 2010, was a man beset with memory problems –
18 sometimes confused and suffering the onset of dementia, whereby he did
19 not check his bank statements or your spending;

¹ 14 counts - Theft; 3 counts – Transferring Criminal Property; 6 counts – Attempting to Transfer Criminal Property; 1 count each – Forgery, Obtaining Property by Deception;

² 15/12/11

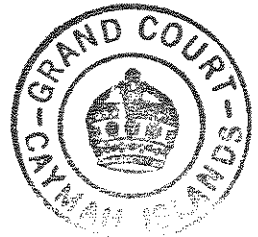
³ 4/7/11

- 1 b. You were in a position of trust towards him: you abused it. He had opened
2 joint accounts to enable you to deal with his affairs when he was off island:
3 he trusted you to spend only what was necessary to maintain his properties;
- 4 c. Yours was a persistent course of conduct continued over a period of
5 many months;
- 6 d. You used different ruses to persuade him and the banks to allow you
7 unfettered access to his accounts and on one occasion when he decided to
8 close the joint account without telling you, you took him straightaway to the
9 Bank and persuaded him to reinstate the account, otherwise, as you
10 recorded in your Journal:

11 *“I am without a regular income stream which means that from now
12 on I will have to go cap in hand to get some money which really
13 turns my stomach literally.”;*

- 14 e. He was generous to you. He provided a roof over your head. He
15 undoubtedly bought you valuable jewellery. As you recorded:

16 *“Thank heavens he doesn’t remember how much he paid for it
17 because he would have a fit.”*



1 He sent \$30,000 to help your homeless younger brother whom he had never
2 met; He agreed to buy properties which you would refurbish and thereafter
3 allow you to keep the profits upon their sale. You on the other hand were
4 not prepared to see others benefit from his generosity and even demanded
5 back the small tips he had given to his cleaner.

6 f. You used his monies to spend, not on legitimate expenses, but upon an
7 extravagant and enviable lifestyle – cosmetic surgery, liposuction treatment,
8 a safari, cruises, properties, paying off credit cards;

9 g. Something well over \$2 million dollars was stolen by you as reflected in the
10 jury's verdicts;

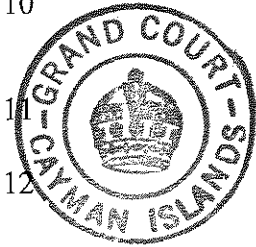
11 h. You confided in a daily journal – in which you monitored your progress
12 towards your goal of lifelong financial security – that a time had come when
13 you feared that *'the gravy train was about to come to an end'*, namely that
14 his family or the bank would realize what you had been doing. Nonetheless,
15 you carried on with your double life of apparent care, on the one hand, and
16 deceit and dishonesty on the other;

17 i. You lied to his family – who have attended this trial and behaved with
18 commendable restraint throughout – by persuading them that you were
19 looking after him and his financial affairs in his best interests;



1 j. You lied to bank officials and delayed producing mandate documents on the
2 source of your sudden wealth which might have raised their suspicions even
3 earlier;

4 k. You even forged a credit card authorization document to help fund your
5 purchase of a \$200k diamond, which you said was for a ring for your
6 engagement – an engagement which neither you nor he ever mentioned to
7 his family, which you did not celebrate and which I find never took place,
8 though he undoubtedly had developed strong affection for you and even
9 proposed to you. But you felt you could better control him if you kept him
10 hanging on in anticipation of marriage. As you recorded in your journal;



11 *“Intimacy comes at a price and ‘my biggest fear is losing my power*
12 *once I sleep with him.’”⁴*

13 l. When in the last days you realized that his daughter from Australia had
14 become suspicious, you opened a new deposit box at your bank where you
15 hid jewellery worth \$100ks;

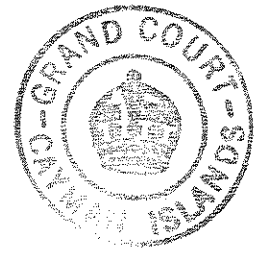
16 m. In those final days you transferred out of the jurisdiction \$1m and
17 attempted to transfer more;

18 n. As the police knocked on your door to effect your arrest, you were about to
19 flee with all your possessions packed and the removal men waiting;

⁴ 21/8/11

1 o. H, your victim, now suffers from severe dementia and could not travel from
2 Australia let alone give evidence. Thankfully he will never understand how
3 you repaid his trust and affection;

4 p. I have seen no evidence of remorse whatsoever.



5 7. The mitigating factors are these:

6 a. You are now 55 and you have never been in any sort of trouble with the
7 police;

8 b. There are glowing testimonials from people who knew you in Canada,
9 principally before you came to Cayman;

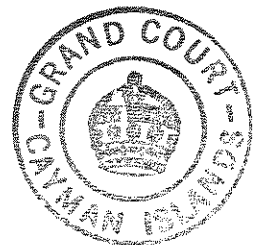
10 c. You are an intelligent and able business woman who in 2012 was training to
11 be a lawyer;

12 d. I accept that your relationship with H began legitimately but turned when
13 you realized how wealthy and vulnerable he was;

14 e. There has been a delay in your trial taking place which followed various
15 defence applications for adjournments. They may not have been your fault,
16 but that delay has certainly not been through the Prosecution dragging their
17 feet;

18 f. Some property has been recovered because your assets have been frozen –
19 which will go towards compensating H;

- 1 g. Prison is an experience that will not be easy for someone like you who has
2 enjoyed the high life;
- 3 h. I bear in mind that sentences should be no longer than absolutely necessary.
- 4 8. I adjourn all financial applications for a period of 3 months to:
- 5 a. Enable the Prosecution to decide whether they wish to pursue a submission
6 that you were pursuing a criminal lifestyle;
- 7 b. Enable the Prosecution to determine the total value of the restrained assets;
- 8 c. Enable the Prosecution to indicate what figures they ask the court to
9 consider by way of confiscation, compensation and restitution;
- 10 d. Enable the Court to consider what sum should be paid by you to the Legal
11 Aid fund and whether it is appropriate to order that you pay a sum towards
12 the Prosecution's costs.
- 13 9. I indicate that uppermost in the mind of the Court which considers these
14 applications will be the restitution to James Handford of as much money as is
15 available to restore the funds which you stole from him. I further indicate that
16 in my judgment you should benefit in no way from your dishonest use of his
17 money.
- 18 10. These offences are so serious that only custody is appropriate.
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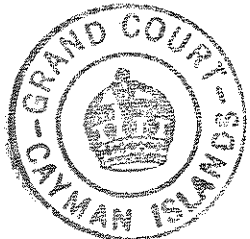


1 11. I have been referred in detail to the maximum in this jurisdiction by way of
2 sentences for these offences. I have read and heard submission on the
3 appropriate approach to sentencing such offences as set out in the Sentencing
4 Guidelines in this jurisdiction and I have read those set out for the UK. In my
5 judgment your offending is high culpability and high level of Harm for the
6 reasons I have set out. I reflect the stated mitigating factors in your case.

7 12. I have in mind the principle of totality in determining the appropriate sentences
8 and I distinguish the different Counts by the amounts involved on each
9 occasion, but I sentence you for a prolonged course of conduct involving just
10 over \$2m as follows:

- 11 a. Count 1 (Theft): 3 years' imprisonment;
- 12 b. Counts 2 -7, 10, 15, 16, 26 (Theft): 1 year imprisonment on each count;
- 13 c. Count 14 (Obtaining Property by Deception): 4 years' imprisonment;
- 14 d. Counts 8, 11, 12 (Theft): 7 years' imprisonment on each count;
 - 15 A. All the foregoing terms of imprisonment run concurrently.
- 16 e. Count 13 (Forgery): This is Forgery where you manufactured a false credit
17 card authorization, upon which the bank acted, to give you \$50k and for this
18 Count I impose 1 year imprisonment.

19 A. This term of imprisonment will run consecutively.



1 13. In respect of the money laundering offences where you transferred substantial
2 funds out of the jurisdiction hoping to be able to conceal them, the Court takes
3 a very serious view. The impact on public confidence in the financial services
4 sector, which is the lifeblood of the Cayman Islands, cannot be understated and
5 the following are the sentences imposed:

6 a. Counts 17-19 (Transferring Criminal Property): 4 years' imprisonment on
7 each count;

8 b. Counts 20-25 (Attempting to Transfer Criminal Property): 3 years'
9 imprisonment on each count.

10 A. All sentences on these counts are to run concurrent, but consecutive
11 to the sentences in paragraph 12 above.

12 14. You therefore sentenced to 12 years' imprisonment.

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16 Dated this the 21st day of April 2016

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18 Honourable Mr. Justice Paul Worsley (Actg.)
19 Acting Judge of the Grand Court

