

SWINDLER AS BAD AS ROBBER

Robbers Made Bold By Judge's Leniency

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FULL-TIME thieves and swindlers are a breed apart from law abiding citizens. Markedly deviant, aggressively antisocial, devoid of morality and the restraint of conscience; they imperil us and threaten our peace of mind.

Consider the mentality of thieves and swindlers; the financial and psychological damage these sociopaths and psychopaths do to their victims; and the tepid, restorative sentences imposed by a trendy judiciary that is oblivious to its Gilbert-and-Sullivan folly.

There is one thing that fraudster sociopaths and psychopathic home-invaders have in common: no conscience. Yes, they do know and speak of right from wrong, but only as though it were an item of apparel to be worn when the urgencies of appearing normal require it. As Shakespeare reminds us, "Every true man's apparel fits your thief."

On rare instances of arrest and conviction these misfits can switch into a charade of morality, chattering on about remorse and the torment of a guilty conscience, playing the judge like a precious Stradivarius.

British Columbia's resident expert on swindlers is indefatigable David Baines, veteran columnist for the Vancouver Sun.

Baines' Oct. 25, 2005 column, headlined B.C. White-collar Crime Prosecution 'Abysmal,' bristles with verbal salvos based on two decades of investigative journalism. "Given the frequency of serious frauds that occur in this province and the infrequency of reasonable redress, I have sadly concluded that in most cases the B.C. government provides no more protection of the public than your average banana republic."

Several years earlier, after making a freedom of information request, Baines had ascertained the five highest prison terms in white-collar crimes.

"In most cases, the defendants were chronic offenders, one having attracted 159 prior criminal prosecutions and another 103 prior convictions. All wreaked serious financial and emotional damage on their victims. Yet the prison sentences were three, four, four, five and six years – nowhere near the 10-year maximum for fraud. That raises the question: What does one have to do to attract the maximum?"

"Then the Eron Mortgage Corp. fraud came along. Victims of that fiasco lost \$175 million. Not just individual lives, but entire families were ripped apart. There were an unprecedented 150 victim-impact statements filed with the court. But at the end of the day, Eron's president Brian Slobogian received only six years in prison, and his right-hand man Frank Biller, only three years – both are eligible for parole after serving just one-third of their sentences.

"The system, in plain terms, is broke. Even worse, nobody within the system will acknowledge it."

A Criminal Code conviction for fraud is based upon proof that the swindler, by deceit, falsehood or other fraudulent means has defrauded a person of property, money or valuable security or any service. Beneath a shyster's promises of milk-and-honey high returns on sure-as-shootin' investments is a chillingly amoral inner voice that speaks of victims as mutton-heads begging for a bum steer; and, since the shyster's thought processes are not immersed in moral and ethical considerations, the conning of mutts

produces a great sense of elation coupled with an evil, sneering characterization that victims are money grubbers who deserve to lose their life savings.

Will today's judges ever clue into the fact that sociopaths laugh off the notion of rehabilitation? The time has come to put Eron class swindlers away for a maximum term of ten years, keeping in mind that with concurrent sentencing and early parole it still falls far short of punishment that fits the crime.

Using violence in the course of stealing property is robbery. It is so serious an offence that it carries a maximum punishment of imprisonment for life. If a firearm is used the range of sentence begins with a minimum of four years.

"Home invasion" is a very accurate way of classifying and describing today's plague of psychopathic robbers, for whom terrorizing and injuring victims is of greater importance than stealing their property.

Here are two randomly selected home invasions reported in the Sun.

On Dec. 31, 2006, an 89-year old lady was returning to her West End apartment when a thief confronted her and stole her wallet. Next morning he rang the lady on her intercom claiming to have found her wallet and was allowed in. When at her door he forced his way in and knocked the defenceless lady down causing serious injury.

"...the man ransacked the woman's home looking for cash and other valuables, then put her on a chair and demanded her bank personal identification number. ... (and) left his victim sitting in the chair with a broken shoulder and a broken hip. ... (she) was discovered seven hours later when family members arrived to take her out to dinner. ... 'She was very traumatized,' her son said, adding 'it's very sad for someone who worked so diligently to maintain her independence; I think that's the end of her living alone.' "

Two days later police arrested a 37-year-old man and charged him with breaking and entering, robbery and unlawful confinement.

On Jan. 2, 2001, two Victoria guzzlers, Gordon Coles and David Whicher, ran out of beer and money. No problem. "They burst into the nearby residence of an elderly couple, shouting for money ... waving a large butcher knife. Within minutes, the men had the money, but stayed for another half hour, rifling through the couple's belongings and confronting them before cutting the phone lines and leaving."

The elderly couple, a man 77 and woman 75, "Hard-working and proud of their semi-rural home ...are now leery of even leaving the door unlocked to go to the mailbox. They have lost much of their sense of trust, and daily re-live the events."

In asking for a sentence of 15 to 18 years imprisonment, the prosecutor in Coles' case described the home invasion as "gratuitous terrorism" and "violence for violence sake." Justice Jacqueline Dorgan termed the home invasion "terrifying," then did an about-face by imposing a light sentence of 12 years. One explanation may be the fact that the co-accused Whicher had pleaded guilty earlier and received a mere 10 years. And that raises a question: Why weren't the accused tried and sentenced together?

Come on, judges, snap out of it; wake up to reality: that in sentencing convicts, your fundamental constitutional duty is the protection of the public.

Stop giving slap-on-the-wrist sentences to worst offenders. You know very well that it has a trickle-down effect on all lesser cases. You are fast earning the contempt of ordinary undistinguished Canadians who would have you heed Shakespeare's words:

"And what makes robbers bold, but too much lenity (lenience)?"

