

IN THE CROWN COURT IN NORTHERN IRELAND

SITTING AT BELFAST

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THE QUEEN

v

MICHAEL BURNS

and

TREVOR McCLINTOCK

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**WEIR J**

[1] Trevor McClintock, you have pleaded guilty to 5 counts of fraud by false representation, contrary to Section 1 of the Fraud Act 2006 and it is now my responsibility to sentence you for those offences. I dealt with your co-accused, Michael Robin Burns, on 29 April 2015 (WEI9628) but at the request of your senior counsel I adjourned further consideration of your case until 29 May to enable you to make good the outstanding losses caused by these frauds which I am told you have indeed done.

[2] I have described at some length in my sentencing remarks in Burns' case the nature of the frauds that he committed on your behalf and at your instigation. In brief, they arose from the giving by him of false solicitor's undertakings in order to buy time with certain lending institutions in the hope that transactions that you had begun but which had stalled might in the breathing space thereby secured be brought to successful completion. They could not in the end be completed because of the collapse of the property market, the undertakings were called in by the lenders and at that point the absence of any funds to support them was discovered. Your house of cards had collapsed.

[3] I am satisfied that you were the moving party in these matters. Burns had nothing to gain from giving these undertakings which were solely to try to help you. I have previously tried to understand why he gave the false undertakings and have

failed. His counsel described his actions as “irrational” and from his point of view they certainly were and he has suffered grievously and permanently as a result.

[4] You on the contrary were the person who potentially had everything to gain had not the tide of the property recession gone out much further than your overweening optimism had allowed for, leaving your property business high and dry and without the monies needed to repay your lenders the amounts due on foot of the fraudulent undertakings.

[5] Mr Webster QC, who has advanced his submissions on your behalf with well-judged economy, points out that you have now settled all the financial losses suffered by anyone, paid an agreed sum of £10,200 towards the prosecution costs and do not object to being disqualified as a Director for the term of 3 years proposed by the prosecution. However, I consider that Mr Webster went a little far in adding that you have “made good any losses suffered by anyone”. He, and I suspect you, now both forget that your action in inducing Burns to give these undertakings was selfish and utterly careless of the certain catastrophic consequences for him if your deals did not complete as you hoped. Apparently your business ship is now afloat again, for the present at least, and you are again reaping the rewards of your business acumen. Meanwhile, your erstwhile church friend and business associate, has been left utterly destroyed. You have done him great and lasting harm and some meaningful expression of regret for that consequence would have been appropriate. I hope that when you reflect upon what you have done you will consider what practical help you might offer him in his present hour of need.

[6] The probation officer records you as having told him that in hindsight you had been confident to the point of arrogance that, however the market performed, you would be able to succeed by dint of your business acumen. That seems to me an accurate self-assessment. You have no prior criminal convictions other than for motoring and you are assessed as being at a low risk of re-offending which I am sure is the case unless you again allow your exaggerated belief in your own abilities to lead you to commit offences in order to again “trade out of” some future business situation in which you find yourself. Certainly those who in future do business with you or on your behalf will do well to scrutinise your words and actions very closely for their own protection as you are unlikely to have any concern for their well-being in your single-minded pursuit of your own interests.

[7] You did not plead guilty to these matters at the earliest opportunity and a reading of your police interviews provides a master class in obfuscation and dissimulation. I am satisfied that, although you were the moving party in all this, you dishonourably sought to put the blame on Burns or anywhere else that you thought it might be disposed of. Your ultimate plea of guilty, coming at a point when you really had no viable option, has nonetheless avoided a lengthy trial and I give you some credit for that.

[8] Accordingly, I sentence you to 3 years' imprisonment on each count to run concurrently. Because you have now made good all the financial losses that you caused I shall suspend the operation of each of those sentences for a period of 3 years. That means that if you commit no further offences during that period you will hear no more of these prison sentences. If on the other hand you were to commit a further offence during the period the court that dealt with you for that offence would also have power to put these present sentences into operation.

[9] You are also disqualified from serving as the Director of any company for a period of 3 years from 29 May 2015.