

JERSEY / JUDGMENT

AG v B [2020] JRC 102 (02 June 2020)

[2020] JRC 102

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JUDGMENT

THE commissioner: 1. You will be aware we have had a long discussion about the circumstances of this case and the court has concluded that the right sentence to be imposed is one of four and a half years' imprisonment. 2. We have taken a 5 year starting point and we have allowed 6 months for mitigation. A number of points have been raised in the course of the addresses to us and the more detailed reasons for our decision are being reserved and will be delivered later but you are sentenced to 4 years and six months imprisonment on the indictment of which you have been found guilty by the jury. 3. As a result of your conviction as you have been told already you are subject to the notification requirements under the Sex Offenders Law and it is for us today to fix the minimum term before which you can apply for release from those notification requirements. Under the statute the minimum term is five years and that is the term we are going to impose and it runs from the date of your conviction. 4. As to the Restraining Orders we do not think it is appropriate to make the orders entirely in the terms which the Crown has moved for so what we have decided is appropriate is to make restraining orders in these terms: (a) You are not to contact the complainant, either directly, or indirectly. Indirectly, of course does not apply to contact through your lawyers in the course of the family proceedings. (b) You are not to go intentionally within 50 metres of the complainant at any time and if on finding yourself within 50 metres of the complainant then you are to take immediate steps to remove yourself. (f) You are not to encourage any third party to behave in a way towards the complainant that is likely to cause her harassment, alarm or distress. 5. Those are the orders we make so we are not making orders (b), (c) and (e) of those requested by the Crown. The orders will remain in place for four years' from today's date and thereafter they will lapse. Accordingly, they will continue for an amount of time after your release from custody. 6. We have not made (b) and (c) because we do not think it is appropriate that you should be required to be advised of the complainant's place of work and home address and we have not made the order under (e) because contact arrangements should be made in our view through the Family Court which will make the appropriate decision. 7. Detailed reasons will be handed down in due course. You are sentenced 4 years 6 months' imprisonment. Authorities Sexual Offences (Jersey) Law 2018. Sex Offenders Law (Jersey) Law 2008. Crime (Disorderly Conduct and Harassment) (Jersey) Law 2008. AG v D [5 th December 1995]. AG v Jones in the Inferior and Superior Number (1999/221 and 2000/22). AG v Dobrin and Ors

[2019] JRC 097. AG v Majid

[2003] JRC 101 . R v Billam [1986] 8 Cr App Rep (S) 48. R v M [1995] 16 Cr App Rep(S) 770. R v Milberry

[2003] 1 Cr App Rep 25 . R v Perkins

[2013] EWCA Crim 323 . Page Last Updated: 01 Jul 2020 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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