

JERSEY / JUDGMENT

AG -v- D [2015] JRC 123 (05 June 2015)

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JUDGMENT

THE BAILIFF: 1. D, the Law requires us first of all to deal with the matters under the Sex Offenders (Jersey) Law 2010. As a result of the guilty plea you are placed on the sex offenders register. You are liable to the notification requirements as set out in that legislation and that runs for a period of 5 years from the date of your guilty plea. When I say a period of 5 years that is the period during which you are definitely subject to the notification requirements; you remain subject to them until such time as you make an application that they be disapplied to you, but you cannot make that application for at least 5 years from the date of your conviction. 2. As to the application for restraining orders, the Court is going to adjourn that application pending the receipt of a report from JFCAS who are asked to make that report available to Crown Advocate Baker and to Advocate Nicholls and a date can then be fixed for the hearing of the application for restraining

orders.

3. You are here to be sentenced on three counts on an Indictment, the first two charging an indecent assault and the third one charging procuring an act of gross indecency. The offences were committed against very young children of about 5 years in age; one of them was the daughter of a lady with whom you were then associating, the other was related to you more directly. The offending involved very much the same conduct in each case; it took the form of placing your naked penis between the legs of the respective children and rubbing it there until ejaculating. In connection with Count 3, which was procuring an act of gross indecency you procured that the girl should rub your penis for you. 4. These offences, although they took place a long time ago, are very serious offences. The Court treats them as serious as is plain from your own counsel's submissions to us you would expect us to treat them and, indeed, as the community expects them to be treated. One only has to read the victim impact statements to see what, in fact, is obvious to anyone picking up these papers that the impact of what you did all those years ago on these two young children has been dramatic and fearful. The Court is in no doubt at all that that has to be marked with a custodial sentence. 5. We accept that you are to be treated as a man with no previous convictions; we accept that in relation to the offences charged in respect of the girl, you had the mitigation of youth because you were only 18 at the time that those offences were committed. We accept that we will apply a full discount for your guilty plea; although it

came late the guilty plea was extremely valuable in that the two victims did not have to go through the trauma of giving evidence. We accept that your remorse is now genuine, even if it comes rather late in the day. 6. The essence of your counsel's submissions to us for avoiding a custodial sentence were that there would be a very dramatic effect on your present family if a custodial sentence was imposed; and we do not doubt that that effect may be significant but we do not think this should cause us to reduce the sentence which, having regard to the victims of the offences, we think would be appropriate. 7. We think the Crown's conclusions were, in principle, correct in relation to each offence but we think they were too long in their totality and for that reason only we are going to reduce the conclusions slightly. 8. On Count 1 you are sentenced to 21 month's imprisonment, Count 2 you are sentenced to 15 months' imprisonment, consecutive to the sentence on Count 1 and on Count 3 you are sentenced to 9 months' imprisonment, concurrent, which makes a total of 3 years' imprisonment. Authorities Sex Offenders (Jersey) Law 2010. AG-v-Brewster

[2001] JLR N 1. Whelan on Aspects of Sentencing in the Superior Courts of Jersey. Page Last
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