

JERSEY / JUDGMENT

AG -v- G [2015] JRC 157 (27 July 2015)

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JUDGMENT

THE commissioner: 1. Any indecent assault, even of the kind that has been described by the Crown here as very much at the lower end of possible assaults is a criminal offence. This was a vulnerable young woman but whether she had been vulnerable or not, she is entitled to say no as she very vigorously did when you touched her on those two separate occasions. But it is clear from the facts of the case that this is not by any means the most serious sort of offence, although you could have pleaded guilty earlier than you did, you pleaded guilty early enough to save her some of the trauma that is involved in considering the possibility of having to give evidence, and we accept that you are genuinely remorseful about it. 2. You did, however, on two occasions take advantage of a vulnerable young woman, vulnerable not because of things you had done but because of earlier life experiences that this Court has heard about on separate occasions. For those reasons the Court intends to follow the conclusions of the Crown. 3. The sentences will be:- on Count 1 there will be a Probation Order for 12 months, that means for the next 12 months you must see the probation officer when he or she asks to see you, notify them of any change of address, carry out any tasks that you are asked to do by the probation officer, in this case it will involve attending a programme designed to help you understand more clearly than you do at the moment, the boundaries that exist, and must exist, in relation to this sort of conduct. On Count 2 there will be 90 hours' Community Service, concurrent with a 12 month Probation Order, that means you do 90 hours unpaid work for the community at the times and places specified by the community service officer during the next 12 months. Do all of that and that will be the end of the penalty. If you fail to do the work properly, breach any of the terms of the Probation Order or particularly of course offend again, and you will be liable to be brought back to Court and resentenced for these offences. And they do pass the custody threshold so that would be likely to be a short prison sentence. 4. We have also considered the application by the Crown for what is in fact automatic, that is to say your being subject to the notification requirements of the Sex Offenders (Jersey) Law 2010 . We have considered the appropriate length. The normal minimum length is 5 years - we think there are reasons here for imposing a shorter period, the reasons being the nature of the offending, the time that has passed since you last offended and the fact that there has been no sort of behaviour of this kind by you in the 10 to 12 years that have passed since those previous offences. So for that reason the requirement will be in existence for 3 years rather than the 5 year period that was asked for by the Crown. That involves similar obligations to your Probation Order in a sense in that you have to notify the police of your change of address or

any change of name and the police have certain powers in relation to requiring samples, fingerprint, intimate samples from you if they need to do so in the course of investigation into other matters. That is not part of the penalty - it is designed to protect the public from any danger that may still exist that you will offend again. 5. So that is 12 months' Probation, 90 hours' community service and a 3 year notification obligation under the Sex Offenders (Jersey) Law 2010 . Authorities Sex Offenders (Jersey) Law 2010. R v Hall & Ors

[2012] 1 WLR 1416 . AG v Hayman

[2008] JRC 211 . AG v Sousa 2001/219. AG v Roque

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