

JERSEY / JUDGMENT

AG -v- Horman [2008] JRC 187 (31 October 2008)

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JUDGMENT

THE BAILIFF: 1. This defendant is to be sentenced on three counts on an indictment involving offences concerning the publication of obscene material and the possession and distribution of indecent photographs of children, contrary to the Protection of Children (Jersey) Law 1994 . The ages of the children concerned were between eight and fifteen but the majority of children depicted in the images were between fourteen and fifteen. A significant number of images found on the defendant's computer were in category 4, that is depicting penetrative sexual activity involving a child or children, or both children and adults. The images were obtained and circulated on the internet and the defendant had altered the default setting on the programme on his computer so as to enlarge automatically the images sent to him. 2. It is fair to say that the vast majority of indecent material on the defendant's computer was not concerned with children, but equally, of the 57 images in Category 4, 55 were distributed by being sent on to other persons within the group to which he belonged. The gravamen of offences of this kind and particularly the distribution of indecent images is that they generate further interest in this kind of pornography which in turn leads to the further abuse of children. If the interest can be suppressed by the imposition of severe penalties then the abuse of children, which is an appalling corruption of innocents, will hopefully diminish. 3. It is for that reason that the Court almost inevitably imposes custodial sentences in cases of this kind. There is much to be said in mitigation for this defendant, which counsel has put on his behalf most persuasively. In particular, his counsel tells us, he has now come to realise what damage can be done to children as a result of this kind of behaviour. The defendant is a first offender, he has been very co-operative with the Police, he admitted the offences at the first opportunity and he has voluntarily sought psychological help. We have been very much assisted by the social enquiry report prepared by the Probation Service and by the report by a consultant psychologist, and we have given very anxious consideration as to whether a non-custodial sentence can be imposed. We have concluded, on balance, that a prison sentence must follow for these offences. 4. Horman, the Court wants you to know that, in our view, you are not a monster. You have allowed yourself to be drawn into a network in which children are abused and corrupted and we have to punish you for those offences. We hope that you will seek help in prison for what seems to have become an addiction for you. You have many good qualities and we are sure that when you have served

your sentence you will be able to make something of your life and put all this behind you. 5. We are going to reduce the conclusions slightly and we are going to sentence you on Count 1; 4 months' imprisonment; Count 2; 4 months' imprisonment concurrent; Count 3; 8 months' imprisonment consecutive, making a total of 12 months' imprisonment. 6. We order the forfeiture and destruction of the laptop computer concerned. Authorities Protection of Children (Jersey) Law 1994. R-v-Oliver, Hartrey and Baldwin [2003] 1 Cr App. R. 28. Whelan Aspects of Sentencing in the Superior Court of Jersey. AG-v-Le Marquand

[2003] JLR N 10. AG-v-Rowe

[2004] JRC 217 . AG-v-Sunderland

[2005] JRC 128 . AG-v-Le Heuze

[2007] JRC 042 . AG-v-Powell

[2007] JRC 046 . AG-v-Curtin

[2007] JRC 223 . AG-v-Facchino

[2008] JRC 056 . AG-v-GB

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