

JERSEY / JUDGMENT

AG -v- Hosking [2015]

JRC 173 (21 August 2015)

[2015] JRC 173

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JUDGMENT

THE DEPUTY BAILIFF: 1. We deal first with matters under the Sex Offenders (Jersey) Law 2010 . As a result of your conviction on 26 th June, 2015, the notification requirements under the Law automatically applied to you. We order that they should so apply for a period of 5 years from 26 th June this year before you may apply for them to be raised. 2. You are assessed as being at a moderate risk of sexual reoffending and the Court is satisfied that you pose a threat of serious sexual harm within the meaning of the Law and accordingly we make the Restrictive Orders which you, through counsel, did not oppose, moved for by the Crown, specifically that:- (i) That the defendant produce to any police officer, forthwith on request, at any time, any computer or any device which may access the internet, or any telephone or mobile device, or any device which can store photographs electronically, which belongs to him or is in his possession, it being noted that such requests may be made anywhere, including by the police attending at the defendant's place of residence. (ii) That the defendant is prohibited from owning, or having in his possession, or having access to, any device capable of accessing the internet unless:- (a) it has the capacity to retain and display the history of internet use; and (b) The defendant ensures that such history is not deleted. Those orders will also last for a period of 5 years but from today's date. 3. You are to be sentenced for two counts of making a number of indecent images of children and one count of distributing such images. You made a total of 474 movies and 34 still images; 29 movies were at Level 4 of what is referred to as the Copine scale and this places you, in the Court's view, within category 4 of the guidelines set out in the AG-v-Godson and Crowley

[2013] (2) JLR 1. As such the starting consideration for the Court is a period of 3 years' imprisonment. The total offending spanned some 2 years and involved a significant number of images. We consider this latter factor as an aggravating feature as suggested by the Crown but in our view it is not as serious an aggravating feature in this case and for these numbers of images as the Crown argues, and we think the correct starting point is 3½ years' imprisonment rather than 4. 4. We have considered very carefully the mitigation available to you including your expressions of remorse which we take as genuine and you deserve the fullest credit for your guilty plea, which is of a high value, and you were entirely cooperative with the police and with the prosecution authorities. We have considered very carefully the social enquiry report and the psychiatric report and have

asked ourselves anxiously whether or not we can deal with this matter on a non-custodial basis. 5. The Court's policy is, however, clear and reflects the facts these are not victimless crimes. Real children are exploited and suffer as a result of the market that this activity creates. We do not, in this case, find that there are the exceptional circumstances to enable us to depart from the requirement for a custodial sentence. 6. However, allowing for all of the available mitigation which we view as significant in this case, and in the light of the matters set out in the social enquiry report, we believe that the conclusion reached by the Crown is too high. 7. Accordingly you are sentenced in respect of Count 1 to a period of 18 months' imprisonment, in respect of Count 2 to a period of 18 months' imprisonment, concurrent and in respect of Count 3 also to a period of 18 months' imprisonment, concurrent, making a total of 18 months' imprisonment. 8. We order the forfeiture and destruction of the computer equipment. 9. The Court expresses to you the hope that you will avail yourself of whatever treatment and help in prison may be available. Authorities AG-v-Godson and Crowley

[2013] (2) JLR 1. AG-v-Maguire

[2012] JRC 089 . AG-v- Bowey

[2013] JRC 117 . AG-v- Langlands

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