

JERSEY / JUDGMENT

AG -v- K [2016] JRC 141 (16 August 2016)

[2016] JRC 141

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JUDGMENT

THE commissioner: 1. Now in view of the detailed submissions we have received from the Attorney General and from Advocate Haines on sentencing levels for this type of offence, we shall give the reasons for our decision at a later date. We therefore propose to say very little now. 2. However, the two counts were, on any view, very serious and cruel offences which must have been terrifying for the young victim, who was 7 at the time of the first offence and 9 or 10 at the time of the second. 3. The Court is firmly of the view that the sentence passed must reflect society's condemnation of such behaviour. 4. The sentence is as follows:- on Count 1; 9 years 4 months' imprisonment, on Count 5; 10 years' imprisonment, concurrent, making a total of 10 years' imprisonment. 5. We also order that the defendant will be subject to the notification requirements under the Sexual Offenders (Jersey) Law 2010 for a period of 15 years from the date of conviction on 27 th May, 2016. 6. We also make the restraining orders as applied for by the Crown at paragraph 68 of the conclusions for a period of 15 years from the date of sentence:- (i) That the defendant be prohibited from being alone with any female he knows or believes to be under the age of 16 years (a) He shall be considered to be alone if there is not present an adult over the age of 21 years who is aware of his offending history; (b) The adult over the age of 21 who is aware of his convictions must be in the same room, it shall not be sufficient for the adult to be merely in the same dwelling. (ii) That in circumstances where the defendant finds himself alone with any females under the age of 16 years, accidentally or inadvertently, he has a positive duty to remove himself from that situation as soon as possible. (iii) That the defendant is prohibited from having any contact, direct or indirect, with the victim. We are also adding that the above restrictions shall not apply to the defendant's three children, who will be named in the Act, contact with whom shall be subject to any restriction put in place by the Court, the Children's Service or any other competent agency. 7. Finally, as to deportation, the Court has decided by a majority of 4/2 not to recommend deportation, given the fact that the defendant has made his home in the Island for some 18 years, with children here, whose Article 8 rights the Court is obliged to have regard to. 8. Finally Advocate Haines it is really the Court's decision, it occurs to us given what has occurred, that you may in due course wish to consider an appeal but we think the time for that should run from the date of issue of the Court's reasons so we will make an order to that effect. Authorities Sexual Offenders (Jersey) Law 2010. Da Graca-v-AG

[2006] JLR N8. Da Graca-v-AG

[2006] JCA 038 . AG-v-Godson and Crowley

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

[2007] JLR 462 . J-v-AG

[2016] JCA 090 . AG-v-T

[2016] JRC 001 . AG-v-Jalam

[2015] JRC 169 . Forno-v-AG

[2011] JCA 022 . Sexual Offences Act 2003. R-v-Milberry

[2003] 1 Cr App R 25 . Attorney General's Reference No 127 of 2004 (David Michael Briggs) [2005] 2 Cr App R (s) 74. Sentencing Guidelines Council's Definitive Guidelines - Sexual Offences (extract). Sentencing Guidelines Council's Definitive Guidelines - Totality. R-v-H (J)

[2011] EWCA Crim 2753 . Page Last Updated: 31 Oct 2016 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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