

JERSEY / JUDGMENT

AG -v- Laffoley [2017]

JRC 058 (06 April 2017)

[2017] JRC 058

Source: bailii.org · Research copy typeset by Esheria. Not court-issued or certified.

JUDGMENT

THE BAILIFF: 1. As a result of your pleas to these various counts on the Indictments we need to consider first of all the question of the notification period under the Sex Offenders (Jersey) Law 2010 and the restraining orders. As the Crown has moved insofar as the notification period is concerned, that will continue for a period of 12 years from the date of your guilty plea to these Counts and it means that that is the minimum period during which you are governed by the notification requirements under the Sex Offenders Law. It will continue indefinitely unless you apply to the Court to come off the notification requirements but you cannot bring that application for at least 12 years from the date of your conviction on these offences. 2. We also look at the question of new restraining orders and we are conscious of the obligation imposed on the Court to act in a convention-compliant way whether you have consented to the orders being made or not. We do not feel comfortable with the order under Order 3 paragraph (i) of the draft which would prohibit you from owning or having in your possession any device capable of accessing the internet which we are not convinced is a proportionate order for us to make. However, we are going to make all the other restrictive orders that have been identified and I will read them to you. I read them to you because you are liable to be sentenced to prison if you break these orders. (i) As from today you are prohibited from contacting or approaching, directly or indirectly, any person identified in Appendix A of the order other than any contact which is inadvertent or unavoidable. The Appendix is there in the existing order. (ii) You are prohibited from (a) Living in the same household as any person under the age of 16 unless with the express approval of the Probation and Aftercare Service (b) Contacting or attempting to contact, via any form of social media, internet or telecommunications system, any female that you know or believe to be under 16, unless there is a parent, guardian or responsible adult present who is over the age of 21, who are aware of your convictions, and who does not have a conviction which would render them liable to notification under the Sex Offenders (Jersey) Law 2010 ; (c) Being alone with any female child under the age of 16 years, aside from such contact which is inadvertent or unavoidable. You will be considered to be alone if there is not a parent, guardian or responsible adult present who is over the age of 21 and who is aware of the your convictions, and who does not have a conviction which would render them liable to notification under the Sex Offenders (Jersey) Law 2010 ; (iii) You are prohibited from: (a) Having access to any device

capable of accessing the internet unless your use of that device is monitored by an adult over the age of 21 who is aware of your convictions and who has not been convicted of any offence which would render them liable to the notification requirements of the Sex Offenders (Jersey) Law 2010 ; (b) In the event that you do access the internet, the history of that access must be recorded, and that you must take no steps to disguise, delete or otherwise conceal that history. (iv) You are to provide advance details of any proposed changes of address and employment that will have to be approved by the Probation and Aftercare Service; (v) In circumstances where you find yourself in contact with any persons named in Appendix A, or in contact with, or alone with a person under the age of 16 years, you have a positive duty to remove yourself from that situation as soon as reasonably possible; (vi) You are not permitted to refuse access to police officers who are monitoring or checking on your restraining orders; (vii) You may not knowingly contact or associate with anyone you know to have been convicted of any offence which would render them liable to the notification requirements of the Sex Offenders (Jersey) Law (that particular order will not come into force until you are released from custody). 3. I now turn to the sentences for the various offences and I deal first of all with some comments in the round. The Court takes the view that you have unfortunately, as it were, played along with those who have been trying to help you, Dr Briggs and the Probation Service, because you have committed these offences while at the same time apparently cooperating with those trying to help you. We treat that as being a seriously aggravating factor. We do not take the view that Ms X is the victim - we regard her behaviour as being as depraved as your own - but we do take the view that she was vulnerable and we have taken that into account. We think that the starting point of 8 years' imprisonment on the distribution offences, which carry a maximum of 10 years' imprisonment, is appropriate and we have taken that figure. We do not think generally that this is a case for a full discount for your guilty plea. We recognise that substantial value for a guilty plea must be given because it is in the public interest that we encourage guilty pleas but nonetheless the guilty pleas in this case do not, in our view, merit a full discount of one-third, because you have not been cooperate in your approach to questioning in this sense - you have not provided passwords for some of the files, and we treat that as one of the most important features, and so the extent of your offending has not been easy to establish. 4. Taking account of those features we think that the Crown's conclusions of 6 years' imprisonment on the distribution offences are correct and we therefore will be imposing that sentence on those counts on the Indictment shortly. I have to tell you that that is a majority decision. Two of the Jurats were inclined to increase that beyond 6 years' imprisonment. I now come to the charges on the First Indictment, what I call generically the possession charges, and we think the Crown's conclusions are correct. We have regard to AG-v-Godson and Crowley

[2013] JRC 091 and applied the approach which is set out in that case. Indeed we find that approach to be particularly helpful because it is a salutary reminder that the Court's revulsion for these offences must nonetheless be tempered by having an unemotional approach to the right sentence to impose on a case such as this and that is what we have tried to do. 5. We now turn to the breaches of the restrictive orders which carry a maximum sentence of 5 years' imprisonment. We think that, as we have said earlier, there

was a pretty cynical avoidance of those restrictive orders at a time when you were receiving help. In our view the right starting point for breaches of those restraining orders is 4 years' imprisonment and we would allow a 1 year off to make a total of 3 years' imprisonment and in principle the breach of the restraining orders should carry consecutive sentences. That then would leave us with a total of 9 years' imprisonment and what we have now gone on to consider is whether the totality of that is too much and we should reduce it. The Jurats have reached the conclusions that it should be reduced by a small amount and we are reducing therefore on totality grounds the total to 8½ years. We will achieve that by reducing the sentence on each of the offences for breach of the restraining orders from 3 years to 2 ½ years' imprisonment. 6. So you are sentenced as follows. On the First Indictment on Count 1; 2½ years' imprisonment, Count 2; 3 years' imprisonment, Count 3; 3 years' imprisonment, Count 5; 3 years' imprisonment, Count 6; 2½ years' imprisonment, Count 7; 2½ years' imprisonment, Count 9; 2½ years' imprisonment. Those 2½ years' imprisonment sentences will run consecutively to the 3 years' imprisonment offences. On the Second Indictment, on Count 1; 3 years' imprisonment, Count 2; 3 years' imprisonment, Counts 3, 4, 5, 6, 7, 8 and 9; 6 years' imprisonment, all those sentences run concurrently with each other and they run concurrently with the making of indecent images offences on the First Indictment but consecutively to the breach offences, making a total of 8½ years' imprisonment. 7. I omitted to say in relation to the restraining orders that the Court considers that 15 years is the right period during which these restraining orders should apply and that period runs from today. We recognise that it is open either to Crown or to you to come back with an application to vary those orders but we think 15 years is the better period to take and that is the protection for both society and also for you. 8. We order the forfeiture and destruction of the iPhone and the Asus laptop. 9. Finally this has clearly been a very complex investigation, it always is a complex investigation when a defendant seeks to cover his tracks as has been the case here by the use of a deletion wiping kit and the Court would like to commend the police officers involved with the investigation. Authorities Sex Offenders (Jersey) Law 2010. AG-v-Godson and Crowley

[2013] JRC 091 . AG-v-N

[2013] JRC 052 . AG-v-N

[2011] JRC 157 . AG-v-Rowe

[2011] JRC 046B . Protection of Children (Jersey) Law 1994. Page Last Updated: 19 Jul 2017 BAILII:
[Copyright Policy](#) | [Disclaimers](#) | [Privacy Policy](#) | [Feedback](#) | [Donate to BAILII](#)

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://www.bailii.org/je/cases/UR/2017/>

CASE PAGE <https://chat.esheria.ai/case-law/jersey/ag-v-laffoley-2017-jrc-058-06-april-2017>

Prepared on 24 October 2026 · Esheria