

JERSEY / JUDGMENT

AG -v- Langlands [2013]

JRC 106 (31 May 2013)

[2013] JRC 106

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JUDGMENT

THE DEPUTY BAILIFF: 1. I have to deal first of all with matters under the Sex Offenders Legislation (Sex Offenders (Jersey) Law 2010) . As a result of the convictions for these offences the notification requirements under the Law automatically apply to you and we order that they should apply for a minimum of 5 years from 12 th April, 2013. That means that that is the period in which you cannot ask the Court to dis-apply the notification requirements from you. So you must realise that until the Court orders otherwise, the notification requirements continue to apply and you cannot ask to have them disapplied for 5 years. 2. You are assessed as being at moderate risk of sexual reoffending. The Court is satisfied that you pose a threat of serious sexual harm within the meaning of the Law and therefore we are going to make the restrictive orders which the Crown has sought and which are not opposed by you through your counsel. They are as follows:- (i) That you produce to a police officer forthwith on request for examination, from time to time, any computer or device which may access the internet, or any device which can store images electronically, which belongs to you or is in your possession, it being noted that such a request may be made anywhere, including by the police attending at your place of residence. (ii) That you are prohibited from owning or having in your 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. (b) You ensure that such history is not deleted. And those restrictive orders will be in place for 5 years, again from 12 th April, 2013. 3. You are here to be sentenced on four counts of making indecent images of children. Unfortunately these cases are coming before the Court with regularity. The Court's sentencing policy is well settled by the Superior Number in the case of AG-v-Godson and Crowley

[2013] JRC 091 and a custodial sentence is inevitable in all but the most exceptional of cases. We do not think even in taking all factors into account that this case is exceptional. There are a lot of features indeed which we see in a number of cases. 4. In this case one is looking at four images at Oliver Level 5 and twenty-four images at Oliver Level 4 and that puts the case within category 4 of the Godson and Crowley case and leads us to take an initial figure of 3 years in custody. We give you a full discount for your guilty plea; we think that you have very substantial mitigation. We have taken into account, in particular, the public duty and work record and your previous good character, and your age, and the disastrous effect

that this offending has had on your personal life and on your future life to come. We do not consider, unlike the conclusions of the Crown, that there were significant aggravating features and indeed we have taken that into account for the purposes of the sentence which we are going to impose. We note that no suspicion fell on your wife and also that the wiping software was used apparently for both adult and child pornography so we do not take account of the aggravating features which the Crown has identified. 5. We think that given the very substantial amounts of mitigation the right sentence is 12 months' imprisonment on each count, concurrent, making a total of 12 months' imprisonment. 6. We also order the forfeiture and destruction of the computer equipment listed in the charges. Authorities Sex Offenders (Jersey) Law 2010. AG-v-Godson and Crowley

[2013] JRC 091 . R-v-Oliver [2003] 1 Cr. App. R. 28. Wicks and Ors-v-The Law Officers of the Crown (Guernsey judgment 14/2012). AG-v-U

[2011] JRC 219 . AG-v-Cardy

[2011] JRC 096 . AG-v-Kakarchev

[2012] JRC 193B . AG-v-Le Galle

[2012] JRC 235 . R-v-Smith and Ors

[2012] 1 Cr App R (S) 82 . Page Last Updated: 16 Sep 2016 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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