

JERSEY / JUDGMENT

AG -v- Lochhead [2017] JRC 214 (15 December 2017)

[2017] JRC 214

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JUDGMENT

THE DEPUTY BAILIFF: 1. You have been referred to this Court for sentence following a finding of guilt after a trial by the Magistrate's Court on one count of indecent exposure. You have been referred to us because you have previous convictions for this offence, one in 2016 and the other in 2015. You have a number of previous convictions for other similar offences. 2. The facts have been explained by the Crown. You exposed yourself to three 15 year old girls at the children's playground at People's Park. 3. We agree with the Crown's suggestion as to the aggravating factors in this matter, specifically that your record of relevant previous convictions is a poor one; that you committed the offence in close proximity to a children's play area, that you are in breach of Restraining Orders imposed by the Court, and all four complainants were 15 year olds. One of them had also been a complainant in your 2015 offending. 4. You denied the offence and the matter went to trial. This, of course, meant that the girls, then witnesses, were subject to cross-examination and the stress of a trial. You do not have therefore the benefit of a guilty plea. We do not accept that you were required to plead not guilty in the way that has been suggested to us because you could have pleaded guilty on certain terms and if the Crown had not accepted those terms, then it would have been a matter for the Crown whether it wished to have the matter determined by way of a Newton Hearing. 5. The social enquiry report identifies the trend in your sexually-motivated offending, this being the thirteenth offence of this nature, and you are described as posing a very high risk of sexual recidivism. You did not accept your culpability immediately and therefore we must view your expressions of remorse in that context. We do not see a great deal by way of personal mitigation available to you. 6. Dealing with the Sexual Offences Law part of this matter we agree that it should be 5 years from today's date before you can apply to have the reporting restrictions lifted in your case and we grant the restraining orders sought by the Crown with the addition of that as set out in paragraph 5 of the conclusions relating to proximity of children's play areas and that also for a period of 5 years from today's date. 7. We turn now to the question of sentence. We are dealing here with a single count of indecent exposure which did not involve masturbation and we accept that but for your previous convictions you would almost certainly have been dealt with by the Magistrate's Court. But you do have previous convictions and those previous convictions are in some cases very recent indeed. We have a duty to protect young people from this kind of traumatic behaviour. We accordingly

view this offending as serious and we think it must be met with a significant custodial sentence.
8. We do however think that the period of 2 years moved for by the Crown is too long and you are sentenced to 18 months' imprisonment. Authorities Sexual Offenders (Jersey) Law 2010. AG-v-Lochhead

[2015] JRC 168 . AG-v-Lochhead

[2014] JRC 093 . R v Pedley [2000] WL 1629537. R v Cosco [2005] EWCA Crim 207. R v Smith and Ors

[2012] 1 Cr App R (S) 82 . Sentencing Guidelines Council's Definitive Guidelines for Sexual Offences Act 2003. Page Last Updated: 18 Jan 2018 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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