

JERSEY / JUDGMENT

AG v Marett [2017] JRC 110 (14 July 2017)

[2017] JRC 110

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

JUDGMENT

THE COMMISSIONER: 1. We need first to deal with the orders sought under the Sex Offenders (Jersey) Law and we set 5 years from today for the period before which the defendant can apply to lift the notification requirements and we make the restrictive orders set out in paragraph 29 of the Crown's conclusions, again for a period of 5 years from today, both those orders not being opposed by the defence. 2. The defendant now stands to be sentenced for offences involving indecent images of children under 16 years of age, contrary to the Protection of Children (Jersey) Law 1994 . He faces eleven counts of inciting the distribution of indecent images, one of distribution of indecent images and two counts of making indecent images, totalling just over 1,000 images of which 164 were at levels 4 and 5. 3. Applying the Godson guidelines (AG-v-Godson and Crowley

[2013] JRC 091) the defendant, who has no previous convictions, would be a category 4 offender giving an initial figure of 3 years' imprisonment based on the five assumptions set out in Godson, namely: (i) that the offender is an adult; (ii) that he has no relevant convictions; (iii) that the number of images is small; (iv) that the making of the images was for his benefit alone, or if distributed only sent to two or three other persons; and (v) that the sentencing process was dealt after a contested trial. 4. Advocate Grace for the defendant agrees that the defendant is a category 4 offender and that 3 years' imprisonment is the correct initial figure. 5. The prosecution then adjusts that figure upwards to 3½ years for the following aggravating mitigating factors of the offence:- (i) The number of images as per the guidance in Godson is large; (ii) They have been distributed to at least eleven individuals; and (iii) The defendant concealed evidence by destroying his UBS stick which on his own admission contained further images. 6. The prosecution then reduced the sentence sought to a total of 2 years' imprisonment to take into account the personal mitigation available to the defendant. Advocate Grace submits that there are features of the mitigation available to the defendant which would allow a community outcome:- (i) Firstly these offences were committed between 17th July, 2014, and 7th September, 2015, when the defendant was between 19 and 20 years of age. He was first interviewed on 7th September, 2015. Nothing then happened from his point of view until 18th November, 2016, when he was interviewed again and he was not charged until 27th March, 2017. The prosecution say that at least part of these delays are attributable to the forensic investigations that had to be carried out but 2 years is a long delay for anyone let alone a

defendant of his age and during that time he has suffered from both low mood and depression. (ii) Secondly because he was over 21 when he pleaded guilty on 26 th May, 2017, the provisions of the Criminal Justice (Young Offenders)(Jersey) Law 2014 did not strictly apply to him but he was under 21 when the offences were committed and the prosecution agree that we should take into account the provisions of that Law, the aim of which is not to sentence young adults to prison unless no other method of dealing with him is appropriate. (iii) Thirdly, we have a psychological report from Doctor Briggs which shows that there are complicated psychological issues at play with this defendant. 7. We have been deliberating as can be seen for some time but ultimately we have considered that these features in particular the distribution and all of the other mitigation put forward by Advocate Grace, including the letter from the defendant, which we have read, and from his family, some of whom are present in Court, are not sufficient to allow us to conclude that a community outcome is appropriate. 8. These are not victimless crimes. These are images of actual sexual abuse of children and the distribution of these images fuels the demand which only encourages the production of such images and the further sexual abuse of young children. 9. At the same time we do feel that the sentence of 2 years sought by the Crown does not give sufficient credit for the mitigation and in particular the defendant's youth and the delay that he has endured. 10. On Counts 1 to 11 you are sentenced to 15 months' imprisonment, on Count 12; to 15 months' imprisonment, concurrent, on Count 13; 12 months' imprisonment, concurrent, and on Count 14: 12 months' imprisonment, concurrent, which makes a total sentence of 15 months' imprisonment. 11. We order the forfeiture and destruction of the Parckard Bell laptop, iPod Touch and USB stick. Authorities Sex Offenders (Jersey) Law 2010. Protection of Children (Jersey) Law 1994. AG-v-Godson and Crowley

[2013] JRC 091 . Criminal Justice (Young Offenders)(Jersey) Law 2014. Page Last Updated: 25 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-marett-2017-jrc-110-14-july-2017>

Prepared on 23 October 2026 · Esheria