

JERSEY / JUDGMENT

AG -v- Paton [2018] JRC 113A (29 June 2018)

[2018] JRC 113A

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JUDGMENT

THE DEPUTY BAILIFF: 1. You are to be sentenced for 8 counts of breach of restraining orders imposed under Article 10(13) of the Sex Offenders (Jersey) Law 2010 . Those orders were imposed on you on the th March this year and largely echoed orders that were made against you by the Royal Court of Guernsey in 2016. 2. We do not need to go into the detail of these breaches, because they have been fully explained by the Crown. We note the contents of the Social Enquiry Reports and that you are of high risk of sexual re-offending. It appears that you do not demonstrate remorse in any real sense or empathy with your victims. 3. We agree largely with the characterisation of this offending and your behaviour and attitude by the Crown. You breached the orders within days of your release and we do not accept that you did not understand the nature of the orders and their ambit. You do not have any respect for the orders of the court which in this case are made to protect the vulnerable. 4. We note the fact of your guilty pleas which are of real value in a case like this and we also note the mitigation that has been set out fully by counsel on your behalf, and we include in that mitigation your youth for which you are still entitled to some consideration. 5. We have of course considered the position under Article 4(2) of the Criminal Justice (Young Offenders) (Jersey) Law 2014 and in our view with your high risk of the reconviction and your failure to follow orders of the court and the seriousness of the offending that is before us, the imposition of a custodial sentence is entirely open to the court and is appropriate. 6. Dealing firstly with the notification orders we think in the circumstances that we should impose the notification order moved for by the Crown and it should be imposed for a period of 5 years, that being the period before which you may make an application. 7. We are also satisfied that we should impose restrictive orders to a significant extent as moved for by the Crown but with certain exceptions. We believe that the prohibition in order 1 which otherwise we adopt should be restricted to a reference to Miss X in all of the circumstances. We think that under order 2 it is appropriate that we make such an order to its full extent, but that it should be qualified by an appropriate adult provision, in other words you will not be deemed to be in breach of that order if you are at all times in the company of an adult who is aware of the sufficient detail of your conviction to have an understanding as to the risk that you may pose to any child that is in their presence as well, and who do not themselves have a conviction which would be a notifiable conviction under the law. We impose the order set out in 3 and the order set out in 4. The order in 5 will need some alterations to reflect the order that we have made in 1 and we make the order in 6. And in terms of the period, we agree that 8 years and 17 days is the

appropriate period for the applicability of those orders. 8. Turning now to the matter of sentence. We are largely agreed with the characterisation by the Crown but we think we can make more of an allowance for the mitigating factors available to you, than has been made in conclusions moved by the Crown. Accordingly, the sentence is as follows: Count 1; 12 months youth detention; Count 2; 12 months; Count 3; 24 months; Count 4; 12 months; Count 5; 24 months; Count 6; 18 months; Count 7; 6 months; Count 8; 6 months, all concurrent, making a total of 24 months youth detention. Authorities Sex Offenders (Jersey) Law 2010 Criminal Justice (Young Offenders) (Jersey) Law 2014. Attorney General v G

[2011] JLR Note 47 AG-v-G

[2011] JRC 214 AG v N

[2013] JRC 052 AG v Laffoley

[2017] JRC 058 . AG v U [2017] JRC 134. AG v A

[2018] JRC 079B . Page Last Updated: 18 Jul 2018 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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Prepared on 22 October 2026 · Esheria