

JERSEY / JUDGMENT

AG -v- Quinn [2015] JRC 121 (03 June 2015)

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JUDGMENT

THE DEPUTY BAILIFF: 1. You have pleaded guilty to one charge of making indecent photographs of children, contrary to Article 2(1)(a) of the Protection of Children (Jersey) Law 1994 . Those indecent images comprise some 30 still images and 4 moving images of children under the age of 16. The large majority of these still images are within category 1 of the Copine scale as are 2 of the moving images. There are, however, 4 still images under category 3 and 2 moving images under category 4 of the Copine scale which are, of course, the most serious of the images. 2. We have had regard to the authority of AG v Godson and Crowley

[2013] (2) JLR 1 and, as 2 of the indecent images and 2 of the moving images are at category 4, your offending falls within category 4 of the guidelines referred to in that case and this gives an initial figure or point of departure for the Court's consideration of a sentence of 3 years' imprisonment. The absence of aggravating features referred to by the Crown, and indeed by your counsel, moves the Court in the direction of a starting point of 2 years' imprisonment. 3. As the Court has said on a number of occasions, downloading indecent images of children is not a victimless crime, particularly when the images are at levels 4 or 5 on the Copine scale. It is inevitably the case that real children have been subjected to the sexual practices which are shown in the films or pictures with all of the suffering and damaging consequences which flow from that. People who download material of this nature provide a market for the people who make films and images and therefore they indirectly contribute to the suffering of the children involved. It is for that reason that the Court has said repeatedly that save in exceptional circumstances, a prison sentence will be imposed in such cases. 4. We have read and considered with the greatest care the social enquiry report and your psychiatric assessments. We have, of course, also listened most carefully to everything that your counsel has said on your behalf and read your letter and the other letters provided. You have pleaded guilty and you are entitled to credit for that and we accept your very real distress and your sense of shame in finding yourself in these circumstances. However, we note that it was clear from the title of the material downloaded what the content would have been and the search terms that you have used were inevitably going to produce images of this nature. We acknowledge the part that alcohol may have played in your offending but that cannot be a mitigating factor or offer any excuse. 5. We order that you will be subject to the notification requirements and agree with the Crown that it should be 5 years from today before you can apply to come off them.

We also make the restraining orders asked for by the Crown again for a period of 5 years. 6. The Court has found this case an extraordinarily difficult one but, taking all of the factors into account, the Court has found no sufficient bases to depart from its' clearly stated policy and the sentence of the Court is that you will go to prison for 12 months. 7. We also order the forfeiture and destruction of the computer. 8. In sentencing you as we have done, we have noted the mental health issues that are identified in the psychiatric report and we urge you to take full advantage of the help that you will receive whilst in prison. Authorities Protection of Children (Jersey) Law 1994. AG v Godson and Crowley

[2013] (2) JLR 1. AG v Brown

[2015] JRC 062 . AG v Cardy

[2011] JRC 096 . Page Last Updated: 27 Sep 2016 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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