

JERSEY / JUDGMENT

AG -v- R [2015] JRC 023 (30 January 2015)

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JUDGMENT

THE BAILIFF: 1. You are here to be sentenced on one count of making indecent photographs of children, contrary to Article 2(1)(a) of the Protection of Children (Jersey) Law 1994 . Involved were 97 indecent still images and 7 indecent moving images of children under the age of 16, the offence being committed between February 2012 and June 2013, and the most serious part of that is that there were 54 still images and 3 moving images at R-v-Oliver [2002] EWCA (Crim) 2766,

[2003] 2 Cr App R (S) 15 Level 4. 2. In the case of AG-v-Godson and Crowley

[2013] JRC 091 the Superior Number of this Court, and that was the Bailiff, Sir Michael Birt sitting with five Jurats, laid down some guidelines for offences involving indecent images of children. In your case the guidelines would suggest that your offence falls within category 4 - where an offender has made an image or possessed an image for distribution or show, falling within Levels 4 or 5, an initial figure in the region of 3 years' imprisonment would be appropriate. Now the Crown say that 3 years is only an initial figure because of the numbers of images involved here, particularly 54 Oliver images at Level 4, then the initial figure should go up and, furthermore, there is the aggravating feature of this being your second offence and, indeed, was exacerbated by your the attempt to blame your friend which also was an aggravating feature. Therefore it seems to us that the Crown was right in saying that the figure, after looking at the initial point, would have been 4 years' imprisonment subject to any reduction for mitigation. 3. What you, I am sure, do realise is that making these images is not a victimless crime. Young girls have really suffered sexual abuse to make these films and every time you look at those images you endorse the sexual abuse that young girls have suffered and that is why society reflects these offences with custodial sentences. It grieves the Court to see a man in your position with so much to offer, in the sense that you have, since the last occasion, found yourself a job and got your life back on track, only to lose it again now. We do not think that we have any alternative in this case but to impose a sentence of imprisonment upon you and we are going to send you to prison for 2 years as the Crown has moved for on this Indictment. 4. We would like you to take out of this day, which is a bad day for you, some encouragement because the Court recognises the efforts that you made on the last occasion and we think you are capable of making those efforts again. You should serve your time, get what help you can while you are in prison, and try to retain as far as you can, those friendships which you

have made and those support networks which you have; you have shown that you can start again and you will be able to do so when you are released from custody on this occasion. As I say, this is a case which the Court has found very difficult but we think that we are imposing the right sentence upon you. 5. So you are sentenced to 2 years' imprisonment. 6. We also order the forfeiture and destruction of the computer tower. 7. You are subject to the notification requirements as a sex offender under the Sex Offenders legislation. You will remain subject to those notification requirements for at least 10 years and cannot apply to come off the notification requirements list until 10 years have expired. 8. The Crown has moved for some Restraining Orders pursuant to Article 10 of the Sex Offenders (Jersey) Law 2010 and we apply those restrictive orders to you in exactly the same form the Crown has suggested to us. I am not going to read them out now but they are in the form which the Crown has sent out in the summary, which you have had Advocate Blakeley, and would you provide that summary in writing to the defendant. 9. Mr R, if you were to breach these Restraining Orders then that would be a criminal offence as well and you would be liable to be prosecuted for it so you must pay attention to them. They will be in place for 10 years from today's date. Authorities Sex Offenders (Jersey) Law 2010. AG-v-R

[2009] JRC 137 . Protection of Children (Jersey) Law 1994. R-v-Oliver [2002] EWCA (Crim) 2766,

[2003] 2 Cr App R (S) 15 . AG-v-Godson and Crowley

[2013] JRC 091 . AG-v-Videgrain

[2014] JRC 040 . AG-v-Bowey

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