

JERSEY / JUDGMENT

AG -v- Sousa [2017] JRC 124 (04 August 2017)

[2017] JRC 124

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JUDGMENT

THE BAILIFF: 1. You are here to be sentenced on one count of indecent assault in that you placed the complainant's hand on your crotch and you took photographs of this and you put them on Facebook. You subsequently undressed him. Throughout this he was not conscious, perhaps through drink. The complainant is a vulnerable person and has been adversely affected by the incident. You have also been charged, as your counsel has said, with sodomy, but your not guilty plea to that has been accepted by the Crown. 2. For reasons which are not material you have spent 321 days in custody and we take that into account. We also take into account your guilty plea and your lack of relevant convictions. In particular we take into account what the Crown has said that this offence was at the lower end of the scale and of course we have also had regard to the contents of the social enquiry report which concludes with the recommendation that the Court should impose a 12 month Probation Order to address the issues which have been identified in that report. 3. We agree that it is appropriate that you should have the benefit of a Probation Order and so you are placed on probation for 12 months for the offence of indecent assault. 4. Because you have committed that offence you are subject to the notification requirements under the Sex Offenders (Jersey) Law 2010 and you cannot apply to be released from those requirements until 5 years have passed from today's date. If you need to have some help on what that means in practice your counsel will tell you what that means. 5. It has been suggested that we impose a Restraining Order upon you. We do not see that that is appropriate at this stage but I want to give you this warning that if you were to be in touch with the complainant, and you will know what he has said about you, that if you do come into contact with him then it would be very sensible for you to stay away from him because if you do not do that, you may well find that harassment charges might come against you in the future. So you would be well-advised to stay away from him and the Probation Service will help you with ensuring that you tackle that issue as one of the issues which will be discussed with you while you are on probation. 6. The Court does not consider that the offence at the lower end of the scale, the offence of indecent assault, is such that the first limb of the Camacho-v-AG

[2007] JLR 462 test is justified and therefore we do not make a recommendation for deportation. What you must be aware of is that it is a privilege for you to be in this island as a person who is not a British National and if you commit further offences then deportation is bound to be an issue which is raised again so you must bear that in mind for the future.

Authorities Sex Offenders (Jersey) Law 2010. Camacho-v-AG

[2007] JLR 462 . AG-v-Cullen

[2017] JRC 041B . AG-v-Gomes

[2013] JRC 007 . AG-v-Richards

[2010] JRC 158 . AG-v-Hayman

[2008] JRC 211 . Crime (Disorderly Conduct and Harassment)(Jersey) Law 2008. Page Last Updated: 10 Aug 2017 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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