

JERSEY / JUDGMENT

AG -v- T [2015] JRC 253 (08 December 2015)

[2015] JRC 253

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JUDGMENT

THE commissioner: 1. The Court is going to set out its reasons for the decisions which we are about to announce in a written judgment which will be delivered in due course but our decisions are as follows. Firstly taking the position under the Sex Offenders (Jersey) Law 2010 the minimum period for the defendant to apply to lift the reporting restrictions will be 10 years from the 18th September, 2015, which is the date of conviction. 2. We are going to impose restraining orders which we will read in a moment. They are to take effect from 6 years from the date of release of the defendant on licence pursuant to Article 17 of the Prison (Jersey) Law 1957 and the restraining orders will be as follows:- (i) The defendant is prohibited from being alone with any child he knows or believes to be under the age of 16 years. He shall be considered to be alone if there is not present an adult over the age of 21 who is aware of his offending history. (ii) That in circumstances where the defendant finds himself alone with any children under the age of 16 years, accidentally or inadvertently, he has a positive duty to remove himself from that situation as soon as reasonably possible. (iii) That the above restrictions shall not apply to the defendant's son, contact with whom shall be subject to any restrictions put in place by the Court, the Children's Service or any other competent agency. (iv) That the defendant is prohibited from having any contact, whether direct or indirect, with the child named in the Indictment. 3. Taking the issue of anonymity pursuant to Article 3(1) of the Criminal Justice (Anonymity in Sexual Offences)(Jersey Law 2002 the complainant shall be the subject of a prohibition from publication of her identity during her lifetime. 4. Turning to the sentences to be imposed, on Count 1 you are sentenced to 5 years' imprisonment. On Count 2a you are sentenced to 6 years' imprisonment, concurrent. That makes a total of sentence of imprisonment of 6 years. 5. On the issue of deportation we are going to adjourn this for a date to be fixed before, as far as possible, the same Court as presently constituted as, in our view, we do not have enough information upon which to reach a proper conclusion in relation to the second part of the test in *Camacho-v-AG*

[2007] JLR 462 , the court being satisfied that the first part of the test is met. 6. Subject to input from counsel we suggest that at the next hearing we should have at least the following:- (i) A further report from the Probation Department as to the effects of deportation upon the defendant and his family, both immediate and wider; (ii) A full statement from the defendant; (iii) A full statement from his partner, or former partner; and (iv) A report from the Children's Service as to the current position in relation to his child. And we hope that by this further information we will have a much better view of the family background

of the defendant, both here and in Madeira. 7. In advance of the hearing we would want and would welcome further skeleton arguments from both the prosecution and the defence assisted with authority. Authorities Sex Offenders (Jersey) Law 2010. Prison (Jersey) Law 1957. Criminal Justice (Anonymity in Sexual Offences)(Jersey Law 2002. Camacho-v-AG

[2007] JLR 462 . Da Graca v AG

[2006] JLR N8. Da Graca-v-AG

[2006] JCA 038 . AG v Da Graca

[2005] JRC 161 . AG v U

[2011] JLR 812 . AG v Jalam

[2015] JRC 169 . AG v Z

[2010] JRC 016 . R v Milberry

[2003] 1 Cr App R 25 . R v Billam [1986] 1 WLR 349. Page Last Updated: 16 Jan 2017 BAILII:
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