JERSEY / JUDGMENT

AG v Travers [2019] JRC 029 (22 February 2019)

[2019] JRC 029

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JUDGMENT

THE DEPUTY BAILIFF: 1. You are to be sentenced today with regard to one count of making indecent images of children. There were some 232 indecent images and movies, the large majority of which were under levels 1 and 2 of the Copine scale, but some of which were at levels 3 and 4. There were none at level 5. It is clear that you sought out this material and you downloaded it. 2. The Crown has correctly identified the approach to this matter. In making images within levels 4 and 5 of the Copine scale and applying the case of AG v Godson and Crowley

[2013] (2) JLR 1 we start from the position of approximately 3 years' imprisonment as being an appropriate level to begin our consideration. This case does not mirror all of the factors assumed in arriving at that starting figure; there has been no trial, you have pleaded guilty, and although the number of images are significant we agree with the Crown that they should not increase the starting point. 3. You have some mitigation available to you. As I have said you have entered a guilty plea which is to your credit and you have been cooperative. You have no relevant previous convictions. There was some question as to whether you have understood the effect of this offending. This is not a victimless crime. There are real children who are subject to degrading and perverse treatment in order to gratify people with appetites for this kind of material. It does not matter that the same images may have been viewed by a large number of individuals, what matters to our mind is the fact that in downloading this material you have supported the environment and market in which the images were created. That being said, we accept on the material before us that you now have some understanding of the effects and that your remorse is accordingly genuine. You expressed yourself as beginning to become sickened with your activity and being relieved eventually to have been caught. You are however, assessed at being at a high risk of general reconviction and a high risk of sexual recidivism, and you will need to undertake significant work to reduce those risk factors. 4. We turn first to the matter of notification under the Sex Offenders (Jersey) Law which you do not oppose. We have considered the matter and agree with the Crown that the appropriate period is 5 years from which you may seek to have the notification requirements dis-applied. 5. We have also given consideration to the application made under Article (10)4 of that law.

Again we have considered this matter carefully and have no hesitation in imposing the restrictions requested by the Crown which again you have not opposed. The reason for doing so with regard to computers is perhaps self-evident, but we think the restriction relating to being alone with a female child under the age of 16 is indicated by the circumstances in which this offending came to the attention of the authorities. 6. Turning to the question of sentence, reviewing the matters as a whole and taking into account the example cases specifically referred to by your counsel, we think that we can take a slightly different view than has the Crown with regard to the starting point. We think the correct starting point is one of 2½ years, we apply what we consider to be the appropriate discount for such mitigation as is available to you, and sentence you to prison for 1 year and 8 months. 7. We also order the forfeiture and destruction of the laptop, delayed for 2 months to enable the recovery of personal family photographs and educational material. Authorities AG v Godson and Crowley

[2013] (2) JLR 1 Sexual Offenders (Jersey) Law 2010 Protection of Children (Jersey) Law AG v Langlands

[2013] JRC 106 AG v Hosking

[2015] JRC 173 AG v McLoughlin

[2015] JRC 225 AG v Barnett

[2016] JRC 011 AG v Storer

[2018] JRC 167 R v Smith and Ors

[2012] 1 Cr App R (S) 82 . Page Last Updated: 11 Mar 2019 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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