

JERSEY / JUDGMENT

AG v Williams [2023]

JRC 145 (11 August 2023)

[2023] JRC 145

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JUDGMENT

THE BAILIFF: 1. You are to be sentenced today for one count of sexual touching of an older child aged 15, to which you pleaded guilty on the 30 June 2023. We have heard the details of the offending from the Crown. The child and you were unknown to each other prior to this incident and the touching took place on a bus one evening in November of last year. Sexual touching of a child is a very serious offence, and this is reflected by the maximum potential sentence of 10 years' imprisonment and a fine. 2. The Crown in moving the somewhat unusual conclusions that it has for a case of this seriousness emphasises that normally the Attorney General would have recommended a sentence of imprisonment. We agree that a sentence of imprisonment would be the usual disposal for an offence of this nature. 3. In our judgment however, the circumstances of this case are exceptional. We fully acknowledge that this must have been a frightening and extremely worrying and unpleasant experience for the young lady in question but the nature of the touching, mercifully is not of the most serious and there are a number of substantial mitigating factors which we feel in this case able to take into account. 4. Without placing them in any particular order of importance the first is, of course, that you have entered a plea of guilty and did so at the earliest reasonable opportunity. This helped to bring certainty in the mind of the victim that she was not going to have to give evidence and go through the trauma of the events in question in a court room. We allow you therefore the full benefit of that guilty plea. 5. Secondly, you are a person of previous good character, notwithstanding the challenges that you have faced throughout your life. You have no previous convictions, and we accept that your journey to real remorse is a real journey. We accept your expressions of remorse as genuine. 6. Thirdly and perhaps most importantly in this case in terms of the way we intend to deal with it, the challenges that you have faced in life and do face as a result of the matters raised by counsel on your behalf, and in the joint statement of the psychiatrists', are the matters to which we give the fullest possible weight. 7. Of course, it is the case the fact that you may have been drinking and may have been under the influence of alcohol provides you with no mitigation in a case such as this or generally, and if anything, it is usually treated by the court as an aggravating feature. 8. We do note what is said by your counsel that you use alcohol as a maladaptive coping mechanism, but the taking of alcohol and voluntary intoxication can never be an excuse for criminal behaviour. 9. We also note what your counsel has said concerning the potentially

aggravating feature of the age discrepancy between you and the victim in this case. Age clearly is a relevant consideration, but we feel that it is reasonable in this case to look at the real age difference by which we mean the age of understanding and culpability - the mental age. There is no direct evidence that we have seen relating to that but clearly you do not respond to these situations as a mature and fully informed adult would respond. Notwithstanding the presence of some aggravating features, we are satisfied that in the exceptional circumstances in this case the court can deal with the matter in way recommended by the Attorney General. 10. We note that you have already spent 242 days on remand which was the equivalent of a sentence of 11 months and 28 days' imprisonment assuming remission of one third. We take that into account as well. 11. We deal first with the matters under the Sex Offenders (Jersey) Law 2010 and having considered the submissions of the Crown we order that a period of 5 years should pass before you may seek to have the notification requirements under the law disapplied. We think it is important to impose that period as recommended by the Crown because we are going to impose a 2 year restriction and a 2 year probation order and there should be a period in our view of ongoing coverage of the Sex Offender's Law when those periods have expired. So, the period is one of 5 years, after which you may apply to be removed from the reporting restrictions. 12. We also think that it is appropriate to impose the Restrictive Order and we impose an order in the terms the draft suggested by the Crown and we do not read it out again. If you are in any doubt, it will be fully explained to you by your counsel and indeed by your Probation Officer and we impose those restrictions for a period of 2 years. 13. With regard to the sentence and the Count before us today we impose a sentence of 2 years' probation. You will know that there are a number of obligations that go with being placed on probation, these will be fully explained to you, and you must comply with them. You must comply with what you are asked to do by your Probation Officer, and it is on that basis that the court is prepared to impose probation in this case. 14. Furthermore, we dismiss the first Count on the Indictment. The Crown has asked us to do so, it has been in abeyance and the Crown has offered no evidence in connection with it. We vacate the date that had previously been set aside for review the current detention provisions. 15. Members of the Press will have heard what the Crown Advocate said. If there has been any reference to the name of the Complainant naturally members of the media will understand that her age precludes any kind of disclosure and indeed the nature of the case precludes any kind of disclosure in the public media. Authorities Crime (Disorderly Conduct and Harassment) (Jersey) Law 2008. Sex Offenders (Jersey) Law 2010. Sexual Offences (Jersey) Law 2018. K v AG v F

[2016] JCA 219 . AG v T

[2017] JRC 169 . AG v S

[2017] JRC 194A . AG v Dobrin and Ors

[2019] JRC 097. AG v Vieira

[2021] JRC 293 . AG v Alves

[2022] JRC 241. AG v F

[2023] JRC 058 . R v Howard [2016] EWCA Crim 1511. Sentencing Council Guidelines - sexual activity with a child/causing or inciting a child to engage in sexual activity (England and Wales). Sentencing Council Guidelines - sentencing offenders with mental disorders, developmental disorders, or neurological impairments (England and Wales). Page Last Updated: 23 Aug 2023 Back to top About JLIB Accessibility Contacts Disclaimer Feedback Privacy policy Site map © Jersey Legal Information Board 2001- 20262023 (External) BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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