

JERSEY / JUDGMENT

AG -v- Young [2013] JRC 212 (01 November 2013)

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JUDGMENT

THE BAILIFF: 1. We begin by saying that the defendant will be subject to the notification requirements under the Law and we say that the period, which must expire before he can apply to come off it, is 5 years. We also make the Restraining Orders moved for by the Crown, which the defendant has not objected to; we are satisfied on the evidence before us that he does pose a threat of serious sexual harm, the conditions are fulfilled, and we make those orders for 5 years. 2. Over a period of many years you downloaded a total of 5,189 images of which 1,855 were at Level 4 and 5 of the Copine scale. The Court has said repeatedly that, particularly in relation to those levels, these are not victimless crimes and must be treated seriously. We repeat what we said in the case of AG-v-Godson and Crowley

[2013] JRC 091 at paragraph 25:- "One of the reasons for imposing firm penalties in relation to offences of this nature is that they are not victimless crimes. The images, if not pseudo-photographs, are of events which have in fact happened. In the case of the higher Copine levels in particular, a child will actually have been subject to the sexual abuse shown in the image, with all the suffering and damaging consequences which flow from that." And at paragraph 26:- "As the Court has said on many previous occasions, the gravamen of this offence is that the making and the distribution of indecent images fuels the demand for this kind of pornography and this in turn encourages the production of such images with consequent further abuse of young children." 3. The Court does proceed on the basis put forward by your Advocate, namely that you started looking at these images because you wanted to see if there were pictures of yourself, because you suffered abuse when you were young, as we have read in the reports, but that it soon developed into looking at the images for the usual reason, which is to obtain sexual satisfaction. We proceed on that basis but we think that it makes no difference to the level of sentence. 4. The leading case now is the Godson case and the facts of this offence fall within category 4 as laid down there, which suggests an initial point of 3 years' imprisonment. So we consider the aggravating features in this case. First there is the number of images, 1,855 at Level 4 and 5 in particular. Secondly, there is the fact that you do have two previous convictions for sexual offences. We accept that they were a long time ago and were not of the most serious nature but, nevertheless, you have a conviction for indecent assault in 1972, for which you

were given 1 month's imprisonment, and an offence of gross indecency in 1995, for which you received a similar sentence. You have many other convictions but not of this nature. However, you are assessed by the reports as being at high risk of sexual reoffending. In addition you have not been cooperative. You denied all involvement to start with; you sought, at one stage, to infer that it was your partner and your son who might have done it because they had access to your equipment. You also have used equipment to try and remove evidence of what you had done and to cover your tracks. All in all we consider that the aggravating features lift the initial point before mitigation to one of 5 years. 5. However, you have pleaded guilty; we have taken into account the most unfortunate background information that we have been given, and the fact that you are carer for your partner, and we have read her letter. Nevertheless we think that the Crown's conclusions make sufficient allowance for that mitigation. 6. The sentence on all the counts, except Count 7, is one of 3½ years, concurrent. On Count 7, which is the attempt, it is a sentence of 3 years' imprisonment, concurrent. 7. We order the forfeiture and destruction of the equipment. Authorities R-v-Oliver [2003] 1 Cr. App. R. 28. Sex Offenders (Jersey) Law 2010. AG-v-Godson and Crowley

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