

JERSEY / JUDGMENT

The Attorney General v Donna Marie Bentley

COURT

Royal Court

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Superior Number Sentencing - indecent assault - gross indecency**[2026]JRC250****Royal Court****(Samedi)****23 September 2026**

Before :

M. H. Temple, Esq.,
Deputy Bailiff, and Jurats Dulake, Averty, Cornish,
Berry and Powell
The Attorney General
-v-
Donna Marie Bentley
Sentencing by the
Superior Number of the Royal Court, following conviction at Assize trial on the

following charges:

2 counts of:
Procuring an act of gross indecency (Counts
1 and 3).
1 count of:
Indecent assault (Count 2).
Age: 53.
Plea: Not guilty.

Details of Offence:

The Defendant was convicted of historical sexual offences after a five-day jury trial. In the early 1990s the victim and the Defendant were neighbours. The victim lived in a flat with his mother and younger sibling opposite the Defendant's flat where she lived with her young child. The victim was 13 to 15 years old at the time of the offending and the Defendant was five years his senior. The victim's mother was a heavy drinker and she would occasionally socialise with the Defendant. Prior to the offending, the interaction between the Defendant and the victim was limited to them saying "hello" to one another. At trial the victim stated that the Defendant was "basically a women" and described himself as being small in stature with a slight build. It was the Defendant's evidence that, one night, she had returned to the victim's home after meeting his mother in a pub. At the victim's home address, the Defendant drank alcohol and smoked cannabis that evening before asking the victim's mother if she could go and speak with the victim. The victim's mother was engaged with a man at the time. The victim was asleep in his single bed when someone climbed into bed with him from behind. He knew it was an adult, due to the strong smell of alcohol and cigarettes, and knew it was a woman because of the smell of perfume. When the victim turned around, he immediately recognised the Defendant. The Defendant began to French kiss the victim (inserting her tongue in his mouth) before taking his hand and putting it on her genital area over her jeans. She then undid her jeans and placed his hand on her vagina beneath her underwear. She removed her jeans and knickers. The victim then penetrated the Defendant's vagina with his fingers (Count 1). The Defendant then placed her hand inside the victim's underwear and masturbated his erect penis (Count 2). The mutual masturbation continued for a few minutes. The Defendant pulled the victim on top of her. The victim was a virgin at the time and he did not know where to put his penis. The Defendant laughed at the victim before taking his penis and inserting it in her vagina (Count 3). They engaged in unprotected sexual intercourse for around a minute until he climaxed. Due to his age, the victim could not be sure that he ejaculated. He continued to masturbate the Defendant. He recalls feeling pressure to carry on what she had physically instructed him to do. The victim was scared, stating he was just a boy and did not know how to pleasure a woman. He made an excuse to leave the bedroom and hid behind the sofa in the lounge. He remained in the lounge until he heard the Defendant leave his flat in the morning.

At the time of the offending, the victim's friend was asleep on a bean bag beside the victim's bed. The friend recalled being around 13 years old at the time. It was the friend's evidence that, when they went to bed, it was just the two of them in the bedroom. However, he woke up in the night to noises coming from the victim's bed and people making groaning sounds. The friend saw two people in bed and he described one as a female adult. In considering harm, culpability and aggravating factors the Crown considered the following matters. The victim had suffered emotional harm, he suffered humiliation when the Defendant laughed at him which had a lasting impact on his sexual encounters and the offending was aggravated as it occurred in the bedroom of his home which should have been a safe place. The Crown considered that the Defendant had targeted the victim who was vulnerable due to his age and family circumstances. The Defendant maintains her innocence and expressed limited remorse. She was under the influence of alcohol and drugs at the time of offending. She made contact with the police in 2020, after receiving social media contact from the victim about the abuse, and she told the police that she kissed the victim at a time when he would have been 19 years old and above the age of consent. The Crown said this was an attempt to thwart any police investigation in 2020. The offending was aggravated by the presence of another child. The disparity in age was treated as an aggravating factor, on the facts of this case, as the Defendant was living independently at the time with her young child whereas the victim was a child living at home with his mother and still in education.

Details of Mitigation:

The defendant was treated as a woman of good character. A full one-third reduction to reflect the fact that she was a young adult at the time of offending and the fact that she has expressed, albeit limited, remorse for the impact on the victim.

Previous Convictions:

The Defendant has a single conviction for common assault in 1997 which postdates the offending.

Conclusions:**Count 1:**

4 years' imprisonment, concurrent to Counts 2 and 3.

Count 2: 4 years and 8 months' imprisonment,
concurrent to Counts 1 and 3.
Count 3
5 years and 4 months' imprisonment.
Total: 5 years and 4 months'
imprisonment.
Order sought under the Sex
Offenders (Jersey) Law 2010 for a minimum period of 5 years before which
the Defendant may seek to have the notification requirements dis-applied.
Restraining Order sought for an
indefinite period.
Costs sought in the sum of
£7,100.

Sentence and Observations of Court:

Count 1: 312 hours' Community Service Order, equivalent
to 2 years' imprisonment, concurrent to Counts 2 and 3.

Count 2: 384 hours' Community Service Order, equivalent
to 2 years and 6 months' imprisonment, concurrent to Counts 1 and 3.
Count 3
456 hours' Community Service Order, equivalent
to 3 years' imprisonment.
Total: 456 hours' Community Service Order,
equivalent to 3 years' imprisonment, to be served over a two-year period.
Order made under the Sex
Offenders (Jersey) Law 2010 for a minimum period of 3 years before which
the Defendant may seek to have the notification requirements dis-applied.
Restraining order
imposed for 3 years in the terms sought, from the date of sentence.
Costs ordered in the
sum of £1,000 to be paid within a period of 3 years.
Ms C. L. G. Carvalho, Crown Advocate.
Advocate F. J. Littler for the Defendant.

JUDGMENT

THE DEPUTY BAILIFF: 1. I will give the Court's reasons for its sentence now, but I reserve the right to amend those reasons in any published form of this judgment. 2. Donna Bentley, you are to be sentenced this afternoon for one count of indecent assault and two counts of procuring an act of gross indecency. All three offences are customary law offences for which the sentence is at large. 3. On your conviction by the jury in July 2026, you became subject to the notification requirements of the Sex Offenders (Jersey) Law 2010 ("the 2010 Law"). We are now required to determine the minimum period before which you may seek to have the notification requirements under the 2010 Law dis-applied. 4. The minimum period for the notification requirements is five years unless the Court is satisfied that a shorter period is appropriate. In this case, whilst there are no specific tools for assessing risk in relation to female sexual offenders, we have noted the contents of the Pre-Sentence Report prepared by a probation officer, and in view of its contents

and in view of the relevant case law (namely, AG v Z

[2011] JLR 107), we have decided that the minimum period should be three years in your case. 5. Turning to your sentence, the facts of the offences may be summarised briefly as follows. 6. On a date at some point between 31 December 1992 and 3 June 1995, you got into bed with the son of a neighbour when he was aged between 13 to 15 years old. You caused him to penetrate your vagina with his fingers (Count 1), you masturbated his penis (Count 2), and then procured that he penetrated your vagina with his penis (Count 3), which is the most serious count in this case. All these events took place during one night when you were intoxicated with alcohol and cannabis and when the victim was asleep in his bed. A friend of the victim was asleep on the floor of the same bedroom, woke up and witnessed the incident in part. 7. Due to the passage of time, it is not possible to be certain as to the precise age of the victim at the time of the incident. For the same reason, it is not possible to be certain as to your age at the time, but you were aged somewhere between approximately 19 and 22 years old. You are now 53 years old, and the victim is approximately 47 years old. 8. In April 2020, during the Covid-19 pandemic, the victim contacted you at a time when he was drinking heavily and you decided to report the matter to the police, claiming that you were being harassed by the victim and you were fearful of your safety given the tone of the victim's messages. You met with a police officer and stated that you did not wish to make a formal complaint. However, you informed the police officer that you had kissed the victim once whilst intoxicated but denied having sex with the victim. Based on the dates provided by you to the police officer, the police officer was led to believe that the victim was over the age of consent at the time of the kiss and did not investigate the matter further. 9. The victim subsequently contacted the police in late 2024, and in October 2024 participated in an ABE interview in which he set out the facts of his complaint. The investigation and the criminal case subsequently proceeded from there.

10. As regards the law concerning the approach to sentencing historic sexual cases, we refer to K v Attorney General

[2016] JCA 219, where the Court of Appeal stated at paragraph 40: "... the Royal Court was right to apply the decision of the English Court of Appeal in R v H and others [2012] 1 WLR 1416, when it was held that while a sentence imposed could not exceed the maximum sentence which could have been imposed by law at the time the offence was committed, the defendant should otherwise be sentenced in accordance with the sentencing regime applicable at the date of sentence and not at the date of the offence."

11. At the date of the offences, the sentence was at large as these were all customary law offences. However, we bear in mind that all three offences now would carry a maximum sentence of 10 years imprisonment under the Sexual Offences (Jersey) Law 2018 and Articles 11 and 12 thereof. These are serious sexual offences committed on a child.

12. We also bear in mind that an upward review of sentences involving sexual offences against children began in *K v Attorney General* and has been recognised in numerous cases since then. We agree with the Crown that cases sentenced before that of *K v Attorney General* are not of assistance.
13. The Crown has referred to three first instance comparator cases in its conclusions, but we have found these to have been of limited assistance, save that we consider that the offending in those cases was more serious. For example, in *Attorney General v B* [2019] JRC 049, the defendant was convicted at trial for eleven counts of indecent assault relating to a 12 to 13 year-old female victim when the male defendant was 43 at the time. As regards the counts involving rubbing the breasts of the victim, the defendant was sentenced to four years' imprisonment concurrent, and he was also sentenced to six years' imprisonment in relation to an indecent assault in which he placed his hand between the victim's naked buttocks. However, the defendant was also convicted of two counts of rape against a younger female victim. He had a poor criminal record and little, if any, mitigation. It is therefore difficult to find a direct read-across between *AG v B* and this case, but nevertheless we have noted the sentence passed in *AG v B*. However, we find the other comparator cases of even less assistance as the facts of the offending were more serious.
14. We consider that this is an unusual and exceptional case on which to pass sentence. We have considered the guidance set out in the case of *AG v Roberts* [2025] JRC 081, and the non-exhaustive list of factors as to harm, culpability, and the aggravating and mitigating factors as well as the overall approach to sentencing. *Roberts* concerned the sentencing of a rape of an adult, but we do note that the factors listed in *Roberts* have also been applied in cases involving the indecent assault and sexual touching of a child, such as in *AG v S* [2025] JRC 218.
15. As regards harm factors, there is no psychological or psychiatric assessment of the victim in this case. However, we consider that the victim has suffered emotional harm based on his evidence at trial and the contents of his Victim Personal Statement. We also consider that the fact that the incident took place in the victim's bedroom is an additional harm factor, as he should have felt safe in his own home. However, we do not agree with the Crown that there was intentional humiliation or degradation of the victim beyond the offences themselves.
16. As regards culpability, we do not agree that you specifically targeted a particularly vulnerable victim.
17. Applying these factors, we consider that an initial point for sentence is four years in respect of Count 1, five years in respect of Count 2, and six years in respect of Count 3.
18. As regards aggravating factors, we do not agree with the Crown in its written Conclusions that lack of remorse in this case is an aggravating factor – as was accepted by Crown Advocate Carvalho this afternoon. The Court of Appeal in *Roberts v AG* [2025] JCA 222 specifically did not agree with the Royal Court at first instance that lack of remorse was an

aggravating factor. In any event, in the Pre-Sentence Report, the author notes that the Defendant did express some remorse for the consequences experienced by the victim in this case.

19. We agree with the Crown that the commission of these offences whilst you were under the influence of alcohol and drugs is an aggravating factor, as is the presence of another child in the bedroom at the time of the offences. However, we do not agree that your interactions with the police, and the disparity in age between yourself and the victim, were aggravating factors in this case. Based on your evidence at trial from you and another defence witness, we assume in your favour that you were in fact frightened for your safety by the messages you received from the victim in 2020 during the Covid-19 pandemic.
20. As regards mitigation, you did not enter guilty pleas and the victim and his friend - who was asleep on the floor - were forced to give evidence at trial which was difficult and distressing certainly for the victim, and we commend the victim for doing so. However, we treat you as being of previous good character, and importantly your youth, in that you were aged between 19 and 22 at the time of the offending, is a significant mitigating factor, as regards which we agree with the Crown that this should attract a one-third reduction from the initial point.
21. We have also noted the contents of the Pre-Sentence Report prepared by an officer from the Probation Service, which classifies you as being at low risk of re-offending and low risk of harm to others, and recommends a community service order. The author of the report states at paragraph 46: "Whilst the offences are serious and the harm caused to the victim is fully acknowledged, since the offences, Ms Bentley has maintained stable employment, positive family relationships, and a pro-social lifestyle. She has no history of repeated sexual offending, there is no evidence of grooming behaviour, predatory conduct, or a sexual interest in children, and she is assessed as presenting a low risk of reoffending and a low risk of serious harm."
22. Similarly, at paragraphs 48 and 49, the author states: "In my view, a custodial sentence would have limited rehabilitative value and would not provide any greater level of public protection than a community-based disposal. By contrast, a Community Service Order would provide an appropriate punitive response, hold Ms Bentley accountable for her offending, and require her to make meaningful reparation in the community. She will be subject to notification requirements, will have an allocated offender manager from the Police, offender management unit and be managed under JMAPPA."
23. We have also considered your very positive work ethic and absence of relevant offending throughout your adult life following these offences, your many and exceptional character references, as well as everything your advocate has said on your behalf this afternoon.
24. In accordance with the approach in Roberts we have also stepped back, after having considered all the aggravating and mitigating factors, in arriving at our sentence.

25. The Court has given very close consideration to whether a sentence of community service can be passed as a direct alternative to custody in this case after arriving at our end points for sentence. Normally, sexual offences of this degree of seriousness on a child will attract a custodial sentence. However, the Court considers unanimously that this case is an exceptional case which warrants the Court departing from its established policy, and we accept the Probation Officer's recommendation.
26. Please stand up, Ms Bentley.
27. We sentence you as follows: (i) In respect of Count 1, we sentence you to 312 hours of community service, which is equivalent to 2 years' imprisonment. (ii) In respect of Count 2, we sentence you to 384 hours of community service, which is equivalent to 2 years and 6 months' imprisonment. (iii) In respect of Count 3, we sentence you to 456 hours of community service, which is equivalent to 3 years' imprisonment, and all of those are to run concurrently.
28. So your total sentence is 456 hours of community service, to be served over a 2-year period.
29. The victim in this case has also included in his Victim Personal Statement that contact with you would trigger his PTSD, and we are satisfied on the balance of probabilities that it is appropriate to make a restraining order against you for the purposes of protecting the victim pursuant to Article 8 of the Crime (Public Order) (Jersey) Law 2024.
30. We therefore make a restraining order to remain in force for 3 years in the following terms:
(i) that you are prohibited from approaching or contacting or attempting to contact, directly or indirectly, the victim other than any contact which is inadvertent or unavoidable; (ii) you are prohibited from being within 100m of the victim; (iii) you are prohibited from approaching or following the victim; (iv) you are prohibited from entering any part of the premises known to you to be the home address of the victim, or loitering within 100m thereof;
(v) you are prohibited from entering any part of the premises known to you to be a place of work of the victim, or loitering within 100m thereof; and (vi) should you see or come into contact with the victim in any public or private place you must take immediate action to avoid breach of this Order.
31. Is that clear?
32. Breach of these restraining orders is an offence for which you may be liable to imprisonment for a term of up to five years and/or a fine.
33. In relation to costs, in all the circumstances, we order you to pay £1,000 towards the Crown's costs within a period of 3 years.
34. That is your sentence. You may sit down. Authorities Sex Offenders (Jersey) Law 2010. AG v Z [2011] JLR 107. K v AG [2016] JCA 219. Sexual Offences (Jersey) Law 2018. AG v B [2019] JRC 049. AG v Roberts [2025] JRC 081. AG v S [2025] JRC 218. Roberts v AG [2025] JCA 222. Crime

(Public Order) (Jersey) Law 2024. H v AG [2013] JCA 063. AG v K [2016] JRC 141. AG v Welland [2003] JRC 179. AG v Cameron [2008] JRC 182. AG v Lally [2014] JRC 120B. AG v E and F [2015] JRC 134. AG v F [2016] (2) JLR 487. AG v T [2017] JRC 169. AG v S [2017] JRC 194A. AG v Carrel [2019] JRC130. AG v Vieira [2021] JRC 293. AG v W [2021] JRC 329. AG v VA [2026] JRC 132. Children (Jersey) Law 1969. Criminal Justice (Young Offenders) (Jersey) Law 1994.

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