

JERSEY / JUDGMENT

The Attorney General -v- P

COURT

Royal Court

Source: jerseylaw.je · Research copy typeset by Esheria. Not court-issued or certified.

Source record

Superior Number Sentencing - indecent assault - rape - sodomy.**[2018]JRC079****Royal Court****(Samedi)****27 April 2018**

Before :

T. J. Le Cocq, Esq., Deputy Bailiff, and
Jurats Olsen, Blampied, Sparrow, Christensen, Dulake.
The Attorney General

-v-

P

Sentencing by the

Superior Number of the Royal Court, to which the accused was remanded following
a conviction at the Assize trial on 1st March, 2018, on the following

charges:

8 counts of:

Indecent assault.(Counts 1,2,11,12,13,14,15
and16)

8 counts of:

Rape. (Counts 3,4,5,6,7,8,9 and 10)

4 counts of:

Sodomy. (Counts 17,18,19 and 20)

Age: 50.

Plea: Guilty.

Details of Offence:

Background

The sexual abuse committed by the Defendant took place in the family home when he and his siblings were growing up during the late 1970s and throughout the 1980s.

The family home had three floors.

The Defendant is the full brother to Complainant 2 and half sibling to Complainant 1 and Complainant 3 (collectively referred to as “the siblings”).

The Defendant started to sexually abuse his siblings when he was aged 10 years old. The first offence occurred when he

indecently assaulted Complainant 3 (Count 15) whom he went on to sodomise.

Counts 15 - 20 relate to the Defendant

sexually abusing Complainant 3 who was aged 5 to 10 years old. Whilst he was sexually abusing

Complainant 3, the Defendant committed several indecent assaults on Complainant 2 who was aged 11 at the time. This

occurred during 1981 - 1982. Counts

11 - 14 relate to the sexual assaults on Complainant 2. The Defendant's final victim was

Complainant 1 whom he indecently assaulted and then raped from the age of 8 to 14 inclusive. Counts 1 – 10

relate to the sexual abuse of Complainant 1. The Defendant stopped sexually abusing

his siblings when he was aged 19 or 20.

At the time of the abuse none of the siblings knew that each other was being sexually abused by the Defendant.

It was Complainant 1's initial disclosure to her mother during

September 1992 which resulted in Complainant 2 disclosing about her sexual abuse and led to the Police investigation into the Defendant. Complainant 3 did not make a disclosure to anyone until many years later.

Complainant 1

Complainant 1 was indecently

assaulted for the first time on a date between 25 February 1981 and 24 February 1984 when she was aged 7 to 9 years of age (the Defendant was aged 13 to 16).

Complainant 1 went into the Defendant's bedroom one morning and sat next to him on his bed. They sat side by

side playing on two handheld computer games. The Defendant put his game down and put

his right arm around her to bring her in closer. He put his left hand under her nightdress and touched her vagina by rubbing the area around her clitoris (Complainant 1 was not wearing underpants). (Count 1 – indecent assault)

A few weeks later the Defendant

asked Complainant 1 to go to a nearby shop to buy some sweets for him.

Complainant 1 took the sweets up to the Defendant's

bedroom, she put the sweets on the Defendant's bed and went to

leave. The Defendant stood up,

pinned Complainant 1 up against the door with his body and began to touch her over her clothing with his hands.

He touched her chest, in between her legs and tried to kiss Complainant 1. (Count 2 – indecent

assault)

When Complainant 1 was approximately 10 years old (and the Defendant was 15 to 16) she was in the bathroom on the middle floor of the house getting ready to go to gym club. The Defendant entered the bathroom,

pulled Complainant 1's leotard and pants down, grabbed the back of her neck, bent her forcefully over the side of the bath and forced his erect penis into Complainant 1's vagina.

Complainant 1 went to gym club but started crying and told her mother she needed to go home, she told her parents she was ill. That evening Complainant 1 saw a spot of

blood in her leotard, she showed her mother and older sister, Complainant 2, her mother assumed that Complainant 1 had started her period. (Count 3 – rape)

Less than 6 months after the rape in the bathroom, the Defendant raped Complainant 1 in her bedroom late at night. The Defendant would get into bed with Complainant 1, touch her vagina with his fingers, put his fingers in her vagina and then his penis and “very quietly” had sex with her. He would ejaculate into his hand or boxer shorts and then “scurry away”. (Count 4 – rape)

Complainant 1 was raped by the Defendant approximately 50 – 75 times until she was aged 14. All rapes took place in Complainant 1's bedroom on the top floor of the house. The rapes followed the same pattern as in Count 4. (Counts 5 – 8 - rape)

When Complainant 1 was aged 12/13/14 she was still being raped by the Defendant. (Count 9 - rape)

When Complainant 1 was 14/15 she started to go out with one the Defendant's friends (following a trip in 1988/89), shortly after she started dating the friend the Defendant stopped raping her. In the months preceding the trip the Defendant was raping her when he was living at home. (Count 10 - rape)

Complainant 1 first disclosed that she was being sexually abused during 1991 when she told a friend, she also told her then boyfriend. During September 1992, after a counselling session, Complainant 1 told her mother that she had been sexually abused by the Defendant. When Complainant 1 left the house, her

mother telephoned Complainant 2, then aged 22, who was at university. She asked Complainant 2 if she had ever been touched or molested by the Defendant.

Complainant 2, shocked by her mother's question, replied “how did you know” before dropping the telephone. Complainant 1 made her initial complaint to the States of Jersey Police during September 1992.

Complainant 2

Around 1981, when Complainant 2 was approximately 11 and the Defendant 12 – 13, Complainant 2 was in her bedroom, on the top floor of the house, changing. The Defendant walked in and

grabbed her breasts. She screamed and shoved the Defendant away. The Defendant had a silly grin on his face but did not say anything. Complainant 2 was upset by what had happened but thought “stupid idiot brother”. The Defendant left her room and went into his bedroom. (Count 11 – indecent assault)

Sometime after the Defendant went into Complainant 2’s bedroom with a towel wrapped around his waist. He pulled the towel away exposing his penis to her and “wiggled at her” with a silly grin on his face. The Defendant then grabbed Complainant 2’s breasts over her clothing. She jumped on her bed and screamed. The Defendant smirked at her and left the bedroom. (Count 12 – indecent assault)

Some weeks later Complainant 2 was reading in bed late at night. Complainant 2 was in bed wearing her nightie but no underwear. The Defendant went into her bedroom and knelt by the side of her bed and told her he was going to do something nice. He then put his hand in between Complainant 2’s legs and put his fingers inside her vagina. He said “that is nice” and “are you liking that” otherwise he made very little noise. Complainant 2 was silent, stunned by what was happening, she did not understand what the Defendant was doing. (Count 13 – indecent assault)

On every occasion the Defendant abused Complainant 2 he would give her money or sweets and tell her not to tell anyone. Complainant 2 recalled that on the last occasion when the Defendant went into her bedroom she became angry and was more forceful. On this occasion she told him that she had been speaking to her friends about what he had been doing and it was not right. She threatened to tell their mother. After that the sexual abuse stopped. (Count 14 – indecent assault (specimen count))

It was not until 1992 after the telephone call with her mother that Complainant 2 disclosed to her family the Defendant had indecently assaulted her. The night of the telephone call in which her mother asked Complainant 2 if she had been sexually abused by the Defendant, she wrote a letter to her mother informing her that she had been sexually abused by the Defendant. Complainant 2 made a statement to the Police during November 1992

Complainant 3

The Defendant first sexually abused Complainant 3 when he was about 5 or 6 years old and the Defendant was aged 10 to 11. As a child Complainant 3

shared a bedroom with the Defendant on the top floor of the house. They slept in single beds next to each other but it was not unusual for Complainant 3 to climb into the Defendant's bed if he got scared during the night. Complainant 3 would lie on his side in the Defendant's bed in the foetal position with the Defendant facing the same way and curled up behind him 'skin on skin'. The Defendant would put his right arm gently on Complainant 3's shoulder which initially Complainant 3 found reassuring. However over time the Defendant would use a firmer touch and Complainant 3 began to feel unnerved by the way he was held. On one occasion after the Defendant put his arm on Complainant 3's shoulder he moved his arm lower and cupped Complainant 3's penis and testicles. (Count 15 – indecent assault)

The next incident that Complainant 3 recalled was when he was approximately 7 years old and lying in the Defendant's bed one night. Complainant 3 and the Defendant were both naked. Complainant 3 was lying on his side in front of the Defendant. Complainant 3 felt the Defendant's penis rubbing in between his buttocks. (Count 16 – indecent assault)

Complainant 3 did not tell his parents because he did not think it was something he had to report to them and thought perhaps it was just what big brothers did. Complainant 3 was approximately 7 or 8 years old and the Defendant was aged 12 to 13 years old when the Defendant first sodomised him. The Defendant beckoned Complainant 3 into his bed. The Defendant was holding Complainant 3 quite firmly so his body was twisted into the bed. The Defendant lowered Complainant 3's boxers and penetrated Complainant 3 with his penis. The Defendant did not say anything to Complainant 3 while he was sodomising him but made "groaning noises". Complainant 3 got out of the Defendant's bed and into his own bed and quietly cried himself to sleep. (Count 17 – sodomy)

Complainant 3 recalled the Defendant sodomising him on approximately three other occasions. The first was approximately 6 months after Count 17 when Complainant 3 was 8 or 9 years old and the Defendant was 13 to 14 years old. On all of these occasions Complainant 3 was sodomised at night-time and in the Defendant's bed. (Counts 18-19 – sodomy)

Complainant 3 was aged approximately 9 or 10 and the Defendant was 14 or 15 when he was last sodomised by the Defendant. On that occasion the Defendant ejaculated and Complainant 3 felt some sort of sticky substance on his bottom. (Count 20 – sodomy)

Three or four months after this the Defendant tried to pin Complainant 3 down but Complainant 3 managed to roll out of the bed. Complainant 3 was a bit bigger by this time and he punched the Defendant in the stomach. From that time on Complainant 3 was not

sexually abused by the Defendant.

The first person Complainant 3 disclosed the sexual abuse to was his then girlfriend in 2000. The next time Complainant 3 made a disclosure was to Complainant 2 in an email exchange. It was not until after the Police investigation was re-opened during February 2016 that Complainant 3 informed Complainant 1 he had been sexually abused by the Defendant. Complainant 3 provided a statement of complaint to the Police during April 2016.

Details of Mitigation:

Youth at time of offences,
previous good character.

Previous Convictions:

The Defendant has minor previous convictions
and for the purposes of trial and sentencing is treated as being of previous
good character

Conclusions:

- Count 1: Starting point 6 years' imprisonment. 2 years' imprisonment.
- Count 2: Starting point 6 years' imprisonment. 2 years' imprisonment,
concurrent.
- Count 3: Starting point 20 years' imprisonment.
14 years' imprisonment,
concurrent.
- Count 4: Starting point 20 years'
imprisonment. 14 years'
imprisonment, concurrent.
- Count 5: Starting point 20 years'
imprisonment. 14 years'
imprisonment, concurrent.
- Count 6: Starting point 20 years'
imprisonment. 14 years'
imprisonment, concurrent.
- Count 7: Starting point 20 years'
imprisonment. 14 years'
imprisonment, concurrent.
- Count 8: Starting point 20 years'
imprisonment. 14 years'
imprisonment, concurrent.
- Count 9: Starting point 20 years'
imprisonment. 16 years'
imprisonment, concurrent.
- Count 10: Starting point 20 years' imprisonment. 16 years' imprisonment,
concurrent.

Count 11:	Starting point 6 years' imprisonment. 2 years' imprisonment, concurrent.
Count 12:	Starting point 6 years' imprisonment. 2 years' imprisonment, concurrent.
Count 13:	Starting point 10 years' imprisonment. 4 years' imprisonment, concurrent.
Count 14:	Starting point 10 years' imprisonment. 4 years' imprisonment, concurrent.
Count 15:	Starting point 6 years' imprisonment. 2 years' imprisonment, concurrent.
Count 16:	Starting point 6 years' imprisonment. 2 years' imprisonment, concurrent.
Count 17:	Starting point 16 years' imprisonment. 6 years' imprisonment, concurrent.
Count 18:	Starting point 16 years' imprisonment. 6 years' imprisonment, concurrent.
Count 19:	Starting point 16 years' imprisonment. 6 years' imprisonment, concurrent.
Count 20:	Starting point 16 years' imprisonment. 6 years' imprisonment, concurrent. Total: 16 years' imprisonment. Order under Article 5(1) of the Sex Offenders (Jersey) Law 2010 sought, that a period of 15 years elapse before the accused is permitted to apply to no longer be subject to the notification requirements to commence from the date of sentence. Restraining Order sought pursuant to Article 5 of the Crime (Disorderly Conduct and Harassment Law) (Jersey) Law 2008 to commence from date of sentence for a period of 5 years with the following condition:- (i) The defendant is prohibited from having any contact, direct or indirect, with Complainant 1, Complainant 2 and Complainant 3. Any Breach of this Order shall be an offence for which the defendant will be liable to imprisonment for up to 2 years and to a fine.

Sentence and Observations of Court:

Count 1:	Starting point 6 years' imprisonment. 2 years' imprisonment.
Count 2:	Starting point 6 years' imprisonment. 2 years' imprisonment, concurrent. Count 3 Starting point 16 years' imprisonment. 10 years' imprisonment, concurrent.
Count 4:	Starting point 16 years' imprisonment. 10 years' imprisonment, concurrent.
Count 5:	Starting point 16 years' imprisonment. 10 years' imprisonment, concurrent.
Count 6:	Starting point 16 years' imprisonment. 10 years' imprisonment, concurrent.
Count 7:	Starting point 16 years' imprisonment. 10 years' imprisonment, concurrent.
Count 8:	Starting point 16 years' imprisonment. 10 years' imprisonment, concurrent.
Count 9:	Starting point 16 years' imprisonment. 12 years' imprisonment, concurrent.
Count 10:	Starting point 16 years' imprisonment. 12 years' imprisonment, concurrent.
Count 11:	Starting point 6 years' imprisonment. 2 years' imprisonment, concurrent.
Count 12:	Starting point 6 years' imprisonment. 2 years' imprisonment, concurrent.
Count 13:	Starting point 10 years' imprisonment. 4 years' imprisonment, concurrent.
Count 14:	Starting point 10 years' imprisonment. 4 years' imprisonment, concurrent.
Count 15:	Starting point 6 years' imprisonment. 2 years' imprisonment, concurrent.

Count 16:	Starting point 6 years' imprisonment. 2 years' imprisonment, concurrent.
Count 17:	Starting point 16 years' imprisonment. 8 years' imprisonment, concurrent.
Count 18:	Starting point 16 years' imprisonment. 8 years' imprisonment, concurrent.
Count 19:	Starting point 16 years' imprisonment. 8 years' imprisonment, concurrent.
Count 20:	Starting point 16 years' imprisonment. 8 years' imprisonment, concurrent. Total of 12 years' imprisonment. Order under Article 5(1) of the Sex Offenders (Jersey) Law 2010 made, that a period of 10 years elapse before the accused is permitted to apply to no longer be subject to the notification requirements to commence from the date of sentence. Restraining Order made pursuant to Article 5 of the Crime (Disorderly Conduct and Harassment Law) (Jersey) Law 2008 to commence from date of sentence for a period of 5 years with the following conditions:- (i) The defendant is prohibited from having any contact, direct or indirect, with Complainant 1, Complainant 2 and Complainant 3. Any Breach of this Order shall be an offence for which the defendant will be liable to imprisonment for up to 2 years and to a fine. Order made that a redacted copy of the Psychological Report of Dr Briggs be provided to the prison authorities Ms. E. M. Hollywood, Crown Advocate. Advocate F. L. Pinel for the Defendant.

JUDGMENT

THE DEPUTY BAILIFF: 1. We will give reasons for the orders that we are going to make and the sentences that we are handing down in due course, but will not give reasons at the moment. 2. The sentence of the Court is as follows:- Count 1 – 2 years' imprisonment. Count 2 – 2 years' imprisonment. Count 3 – 10 years' imprisonment. Count 4 – 10 years' imprisonment. Count 5 – 10 years' imprisonment. Count 6 – 10 years' imprisonment. Count 7 – 10 years' imprisonment. Count 8 – 10 years' imprisonment. Count 9 – 12 years' imprisonment. Count 10 – 12 years' imprisonment. Count 11 – 2 years' imprisonment. Count 12 – 2 years' imprisonment. Count 13 – 4

years' imprisonment. Count 14 – 4 years' imprisonment. Count 15 – 2 years' imprisonment. Count 16 – 2 years' imprisonment. Count 17 – 8 years' imprisonment. Count 18 – 8 years' imprisonment. Count 19 – 8 years' imprisonment. Count 20 – 8 years' imprisonment. All counts to be concurrent making a total of 12 years' imprisonment. 3. The Court also orders that the period before which you can apply to be released from the obligations under the Sex Offenders Law (Jersey) (2010) should be as asked for by the Crown specifically 10 years. 4. We agree that there should be no restrictions made pursuant of Article 10(4) of the Law and we also make the order sought in connection with the Crime (Disorderly Conduct and Harassment) (Jersey) Law 2008, namely that you are prohibited from having any contact direct or indirect with Complainant 1, Complainant 2 or Complainant 3, for a period of 5 years with the default penal notice that any breach of that Order is an offence which you will be liable for up to 2 years' imprisonment. 5. That leaves only the question of the psychological reports. In our view, for the assistance of the Prison Authorities a redacted version of the reports should be made available to deal with the issues of particular concern. 6. The Press I know do not need to be reminded of the reporting restrictions that apply in a case such as this, nothing can be done which will identify the victims, which in this case may produce quite challenging reporting but nonetheless that is the warning that the Court often repeats on these occasions. 7. We would also like a delay of 15 minutes prior to any report being given, on the basis that there needs to be time taken to inform the complainants of the outcome of this hearing before any public announcement is made. Authorities Sex Offenders (Jersey) Law 2010. Crime (Disorderly Conduct and Harassment) (Jersey) Law 2008 Children (Jersey) Law 1969. Valler v AG [2002] JLR 383. AG v W [2018] JRC 061 AG-v-S

- [2017] JRC 194A. AG v T [2017] JRC 169. K v AG and AG v F [2016] JCA 219 AG v K [2016] JRC 158. AG v T [2016] JRC 001. AG v E and F [2015] JRC 134. AG v X [2010] JRC 111. AG v Z [2010] JRC 016. AG v Donnelly [2009] JRC 170. AG v Brewster [2001] 3 R v H [2012] 1 WLR 146. R v Millberry
- [2003] 1 Cr App R 25. Whelan on Aspects of Sentencing – extract Sentencing Council Guidelines – Sexual Offences.

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://www.jerseylaw.je/judgments/unreported/Pages/%5B2018%5DJRC079.aspx>

CASE PAGE <https://chat.esheria.ai/case-law/jersey/the-attorney-general-v-p-2018>

Prepared on 22 October 2026 · Esheria