

**ROYAL COURT  
FULL COURT**

**8 March 2019**

**Before: John Russell Finch, Esq., O.B.E., Judge of the Royal Court and:  
Barbara Jean Bartie, Stephen Murray Jones OBE, David Percy Langley Hodgetts LVO, Terry  
John Ferbrache, Jonathan Grenfell Hooley, Steven John Morris, Joanne Marie Wyatt, Alan  
Stevenson Boyle, Marilyn Jasmine King, Jurats.**

**THE LAW OFFICERS OF THE CROWN**

**- v -**

**Michael James PEPPERRELL**

**Advocate C G Dunford appeared for the Crown**

**Advocate S E Steel appeared for the Defendant**

**JUDGE OF THE ROYAL COURT:**

**Background**

You have pleaded guilty to an offence of attempting to incite a child aged 14 to commit an act of gross indecency. The maximum penalty is 5 years' imprisonment.

You are a non-local person, working for some years locally at hotels and aged 52. You are of previously good character.

You have been in custody since 19<sup>th</sup> December, 2018, the date of your arrest. The Magistrate's Court correctly declined venue, as the statutory maximum there was only 6 months; another provision that with others, we have regularly referred-to in the past needs updating. You entered a timely 'guilty' plea.

The circumstances are unusual; indeed we hope that they remain so. You conversed on 'Grinder', an application for homosexual and bisexual men. The unusual element that is present is that after a while you believed you were conversing with a 14 year old boy "Daniel", who in reality was a woman in Jersey who poses on-line intending to identify persons acting unlawfully towards underage children. We say more on this later on.

The messages you sent were explicit and deplorable. It has to be stressed, of course, that at the relevant time, you believed the person in question was an underage boy and you actively encouraged the other person to travel to Guernsey from Jersey.

You eventually came clean in Police interviews when faced with the evidence. You accepted towards the end you were grooming what you perceived was a 14 year old schoolboy.

## **Sentencing Considerations**

This case has to be dealt with on its own individual facts. It has to be charged as an attempt in view of the true age and sex of the adult from Jersey who was representing herself as a 14 year old schoolboy. Nevertheless, the full unlawful intent on your part was present. You, typically for such offences, sought to minimize your culpability to the Probation Officer, which is unsatisfactory. We note now that you have plans to go back to the UK.

We consider that the main element in sentencing should be a preventative one, to avoid further offences and ensure a measure of control over you and when you return to the UK it is highly likely an application will be made for the relevant orders, especially Sexual Offender Notification.

Here we select a starting-point of 18 months before we factor in relevant and applicable mitigation. All things considered, the clear intent in these messages cannot be overlooked.

## **Mitigation**

Your previous good character and work record over many years is in your favour. Although the evidence was very strong, your early plea of 'guilty' is something we are encouraged to take into account.

The fact that the full offence was not technically possible has, in other decisions relating to other offences, been viewed as a further factor leading to a reduction, although it is no thanks to you.

In the circumstances of this particular case we enhance the discount to well over one-third.

We have carefully considered the written materials, the helpful Probation report and your learned Advocate's submissions. Although a personal tragedy for you, you should not have done it and ultimately it is you yourself who are responsible.

## **Sentence**

We would observe that matters of this type should be dealt with by professional Law Enforcement agencies. Not only do they have the requisite training, but they are subject to disciplinary standards; in addition, the provisions of legislation, such as the Police Powers and Criminal Evidence Laws, Section 78, act to allow evidence to be excluded in certain circumstances and professional investigators know this. Although you broke the law, we do consider that the case would have been easier to deal with had the Police or Guernsey Border Agency been involved in detecting it. Taking everything we hope fairly into account, the sentence, which as stated takes note of your previous good character, is 10 months' imprisonment with effect from 19<sup>th</sup> December, 2018.

## **Further Orders**

We consider that an Extended Sentence Licence for a period of 2 years, as suggested by the Probation Officer is, on the facts of the case, appropriate and proportionate. We emphasize the Notification Requirement is already in force since your plea of 'Guilty'.

The notification period shall be for 5 years, which is the minimum prescribed in the legislation, there being no good reason to reduce it under Section 3 of the 2013 Law. I shall go over the requirements in a moment.

The Extended Sentence Licence requirements are now spelt out. We stress that this is not a rubber-stamp exercise of the Probation Officer's recommendations but after careful consideration of the facts, especially the role you took in seeking unlawful contact with a supposed 14 year old.

The Court considers that the period of supervision, if any, after sentence, would not be adequate for the purpose of preventing the commission of further offences and securing your rehabilitation.

Consequently, the Court is imposing an Extended Sentence of imprisonment. This has two elements – the custodial term, which are to be followed by an extension period after your release, throughout which you will be subject to an Extended Sentence Licence. The custodial term is 10 months' imprisonment as stated and the extension period shall be for 2 years after your release.

If upon release you fail to comply with the conditions in the Extended Sentence Licence, or are convicted of a further imprisonable offence, the Court sentencing you, or the Parole Review Committee can revoke the Licence, in which case you could be returned to custody for the remainder of the sentence.

The standard terms of the Extended Sentence Licence are (and there will be a written Notice):

1. To be well behaved and not to commit any offence and not to do anything which could undermine the purposes of your supervision, which are to protect the public, prevent you from reoffending and help you to resettle successfully into the community.
2. To keep in touch with your supervising officer in accordance with any instructions you may be given.
3. If required to receive visits from your supervising officer at your home.
4. Permanently to reside at an address approved by your supervising officer and notify him or her in advance of any proposed change of address or any proposed stay (even for one night) away from that approved address.
5. Undertake only such work (including voluntary work) approved by your supervising officer and notify him or her in advance of any proposed change.
6. Not to travel outside Guernsey without prior permission of your supervising officer (which will be given in exceptional circumstances only).

The Probation Officer in his report which I am now referring to, has suggested the imposition of two additional conditions and the Court agrees with these which are as follows:

1. To comply with any requirements specified by your supervising officer for the purpose of ensuring that you address your sexual offending behaviour problems and;
2. Not to have any contact directly or indirectly by any means, including electronic communication with any male child under the age of sixteen years without prior permission of your supervising officer other than such contact which is inadvertent and not reasonably avoidable in the course of **normal** daily life.

### **Notification Requirement**

The Notification Requirement for 5 years is also going to be the subject of a Notice Mr Pepperell and that will be handed to you, but in summary this means that since the date you pleaded 'guilty':

- You are now required by Law to notify the Police within 24 hours; or within 24 hours of release if you are in Prison or otherwise detained, of your name, any other names that you use, your address, your date of birth, your social security number, your passport details, your bank account details and your employment details. If asked to do so, for verification purposes, you must allow your fingerprints, photograph and/or a DNA sample to be taken.
- You must notify the Police of any change of name or home address at least 24 hours in advance of the change occurring, or within 24 hours if you had no prior knowledge of the change occurring.
- You must notify the Police of any address where you reside or stay for 7 days or longer. This means either 7 days at a time or a total of 7 days in any 12 month period.
- You must notify the Police of your details every 12 months on the anniversary of your initial notification, even if there is no change in these details.
- You must notify the Police at least 7 days in advance of any plans to travel abroad.

As indicated and I repeat, you will receive this fully in a written Notice and the details of the Extended Sentence Licence. There is therefore:

- a 5 year Notification Period;
- a 2 year Extended Sentence Licence and
- 10 months from the date of your first appearance when you were in custody.

**Judge J R Finch OBE**  
**Judge of the Royal Court**

**8 March 2019**