

**ROYAL COURT
FULL COURT**

13 November 2019

**Before: Judge J R Finch OBE, Judge of the Royal Court and:
Stephen Murray Jones OBE, Claire Helen Le Pelley,
Constance Adèle Elizabeth Helyar-Wilkinson, Terry John Ferbrache, David Allan Grut,
Steven John Morris, Joanne Marie Wyatt, Alan Stevenson Boyle, Jurats.**

THE LAW OFFICERS OF THE CROWN

- v -

ROGER ROBINSON

Crown Advocate F M Russell appeared for the Crown

Advocate P Lockwood appeared for the Defendant

JUDGE OF THE ROYAL COURT:

Background

You appear here today for sentence on an Indictment comprising ten counts, all of sexual offences. The victims were members of your extended family, including your own daughter. You were unanimously convicted after a fully-contested trial of just over a week, on 14th October 2019. You have been remanded in custody since then. We heard all the evidence and have now considered the Probation report and your Advocate's mitigation.

The ten counts on which you face sentence are:

- Counts 1-2 indecent assault on your daughter "A" in the 1970's. Count 1 when she was aged 7-9; Count 2 when she was 12-13. Count 1 is a specimen. Count 2 a specific incident. Count 1 refers to a number of incidents of vaginal digital penetration. Count 2 digital penetrations both vaginally and anally.
- Count 3 the rape of your daughter when she was aged 18 and intoxicated after a row with her then boyfriend, accompanied by oral sex inflicted on her.
- Counts 4-7 are all offences of indecent assault on complainant B, your step-daughter, all when she was aged 10-11. These relate to a period before you married her mother and took place in your car. There are specific incidents: rubbing between her legs and over her trousers (Count 4); grabbing her breasts on at least 2 to 3 occasions when driving and over her clothes (Counts 5 and 6) and at Pleinmont, putting your hand between her legs and attempting to unfasten her trouser button. She pushed you away, was terrified, and climbed out of the car. You pulled her back in and drove off.
- Count 8 - victim C was 6 years at the time. Her relationship is an indirect one, best seen when looking at the complex family tree. She is a step great-niece of Barbara Robinson your

second wife. Her aunt took her to the Robinson house where there were a number of other children. The indecent assault consisted of putting your hand between her legs, rubbing the outside of the vagina and some digital penetration which hurt.

- Counts 9 -10 - victim D is the daughter of one of your step-daughters, now aged 14 – aged 10 to 11 years when the offences were committed. The offences took place on the same occasion. When her mother and grandmother were outside your house, you beckoned her into the bathroom, partially shut the door, put your arms round her from behind “sort of hugging”, put a hand on her pants and, having pushed the skirt up, touched the vaginal area. Your semi-erect penis was out and (this is Count 10) you committed gross indecency by placing her hand upon it. She was scared and told her mother 3 years later.

Back in 1988 the victim A, your daughter, made a statement to the Police, you were arrested and as you did in this case made no comment. At that stage no further action followed.

It was victim D’s allegation that caused this case to gather momentum. Victim B and then your daughter A, assisted the Police and later victim C spoke to the Police in Leeds.

Sentencing Considerations

We are not bound by English cases, but find it helpful to follow the valuable general guidance set-out in the leading English case of R v Millberry (2003). The degree of harm to the victim, the level of culpability and the level of risk are the appropriate factors.

Similarly, we are not bound by the English Sentencing Guidelines, but find them helpful in listing aggravating and mitigating features. In this case, they are the position of trust you were in relating to young children, including your daughter and that extended to the rape of her when 18, the young ages of the victims and, in relation to your daughter, repeated sexual assaults (she mentioned this as “same old, same old”) and at the time, as we have stated, she was very young.

Digital penetration and also here an anal penetration, are serious matters. It is now a specific statutory offence in England – Assault by Penetration. This applies to A, your own daughter and also C.

Going back to the English guidance in Millberry we can take notice from our combined experience, of the nasty effects this sort of offending has on victims, particularly as they get older. We were able to see this for ourselves when all four gave evidence. Your level of culpability or blame is very high due to your breach of trust, rape of your own daughter and, in relation both to her and your step-daughter, Victim B, repeated offending. This took place over many years.

The only limited possible mitigation is your lack of previous convictions, only one unrelated matter. But this is severely limited to a considerable degree by the length of time and the different generations involved.

You pleaded not guilty, even a responsible and measured Advocate like Advocate Lockwood had to put unpalatable questions to these victims and, as you still say, they made this all up, apart from now, limited belated admissions in relation to D and this was despite the long period over which these offences took place and the lack of links between them.

The Probation Report states that the “*dynamic assessment*” at this stage is that you pose a risk of harm of a sexual nature to pubescent and pre-pubescent females. Some further assessment is called for.

We consider that we should approach this serious and rather complex set of facts as follows, throughout, bearing the totality principle in mind:

The rape is the most serious offence. The aggravating features have been set-out. We must also put it in the context of years of abuse of your young daughter. We consider that we should select a combined total for counts 1 to 3 with the sentences on counts 1 and 2, concurrent to count 3, which takes account of all your activities. Each case needs to be looked at individually and our combined starting-point on these offences, 1 to 3 is 10 years.

In respect of the other offences of which you have been convicted, the penetrations are the most serious. Again we come to a combined total, which will be consecutive to counts 1 to 3, as these were all serious matters. We come to a total of 6 years, representing what you did in total and on counts 4 to 10 concurrent. Count 10 has a 5 year statutory maximum, so in respect of count 10, the period is 4 years concurrent.

The combined total therefore for these offences is 10, plus 6 years, namely 16 years' imprisonment as a starting point. We point out that whatever method we selected; the total would be the same. We hope our approach has the virtue of clarity.

Mitigation

We note the healthcare concerns and we took this into account at your trial, also Mr Robinson, your age. But it is not our function to cast around for mitigation. You made the victims attend court and give their unpleasant evidence and you engaged, as we have said more than once, in these serious crimes over many years. Your future health problems are not easy to predict. There is, when all is said and done, little if any mitigation to set alongside, in our judgment, the heavy aggravating factors in this case. We only make in effect a nominal reduction as there is no real substantial or indeed applicable mitigation.

Sentence

We need not repeat what is, we hope, already clear from what we have said. You, her father, have effectively destroyed and contaminated A's childhood, culminating in a rape when she was 18. The other victims, who were entitled to protection by you, were fastened upon for distressing and highly unpleasant predatory sexual assaults. We have no sympathy for you. To a very limited extent it now seems you admit some guilt on offences 9 and 10. This does not help you a great deal at all.

- In respect of count 3, rape, the sentence is 9 years' imprisonment.
- On counts 1 and 2, 5 years concurrent.
- Total 9 years' imprisonment.
- In respect of counts 4 to 9, the sentence on each is 5 years' imprisonment.
- In respect of count 10, 4 years' imprisonment, all concurrent – a total 5 years, but that is consecutive to the sentences on counts 1 to 3.
- **Total 14 years imprisonment, with effect from 14th October, 2019.**
- We have also factored in an element of deterrence and repudiation, as this is a law-abiding community where young people are entitled to be protected from predation.

Extended Sentence

As the Probation officer puts it – *“Given the nature of the offending, I would have safeguarding concerns for any female child under the age of eighteen”*. A 5 year Extended Sentence Licence is suggested.

We have carefully considered this. We heard all the evidence and we are entitled to take a view. We respectfully concur. The standard conditions will apply.

So we consider that the period of imprisonment and supervision after release would not be sufficient in the interests of the community, to prevent offences and secure your rehabilitation. Hence, in addition to the 14 year period of imprisonment, there will be an Extended Sentence Licence for a period of 5 years. If, during that period you fail to comply with the requirements imposed under that Licence, or re-offend, either the Parole Review Committee or the court can order your return to Prison for the period of that Extended Sentence Licence period, here 5 years.

I will summarise the standard conditions and you will receive a Notice.

1. To be well behaved and not 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).

In this case, based on the facts as found, we accept the Probation officer's additional Licence conditions, in order to prevent offending and secure rehabilitation:

- Not to approach or communicate directly or indirectly, with the named victims without the prior permission of your Supervising Officer.
- To comply with any requirements specified by your Supervising Officer for the purpose of ensuring that you address your sexual offending behaviour problems.
- Not to have contact, directly or indirectly, by any means, with any female child under the age of 18 years without the prior permission of your Supervising Officer, other than such contact as is inadvertent and not reasonably avoidable in the course of lawful daily life.

Notification Requirement

We emphasise that we do not act as a rubber stamp on the recommendation, but apply our minds judicially to the circumstances of the case. We agree that there should be a period of notification given, as is suggested, because of the nature of the offences and the potential risk of harm, but in view of the total sentences of imprisonment, make this 18 years, which has effect from the date of your convictions, namely the 14th October 2019.

I will summarize the requirement, but it is set-out fully in the written Notice you will receive:

- You are now required by Law, after your release, to notify the Police within 24 hours; or within 24 hours of your release if you are in Prison, 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.

You must do this by going in person to the Police Station unless told otherwise by the Police. As said in relation to the Supervision and the Notification, you will get Notices with everything set out clearly. I have summarized the main points.

- So the total sentence is 14 years' imprisonment from the date of conviction.
- 5 year Extended Sentence.
- 18 years' notification period.

Finally, we commend the victims for their courage in coming forward and giving their compelling evidence.

Judge J R Finch OBE
Judge of the Royal Court

13th November 2019