

**ROYAL COURT
FULL COURT**

14 November 2019

**Before: Judge J R Finch OBE, Judge of the Royal Court and:
Claire Helen Le Pelley, Niall David McCathie, Terry John Ferbrache,
Steven John Morris, David James Mortimer, Joanne Marie Wyatt,
Alan Stevenson Boyle, Peter Francis Gill and David John Robilliard, Jurats.**

THE LAW OFFICERS OF THE CROWN

- v -

KAINE JOHNATHAN MICHAEL WRAY

Crown Advocate C G Dunford appeared for the Crown

Advocate P F Cobb appeared for the Defendant

JUDGE OF THE ROYAL COURT:

Background

Mr Wray faces sentence today for failing to comply with a Probation Order and a Bail Order offence.

Sentencing Considerations

We have considered all the reports in this case. They are not good and it is your own fault. You failed to engage and there are no excuses. In our view there should be no more chances. There has been a total disregard for Court Orders and you have gone your own way. You need direction and you need organisation. In other words Kaine, you need to 'get your act together before it's too late'. In your own interests it is time to change your lifestyle which is chaotic. The real concerns are from the reports, which we accept on their details and you have had an awful lot of help in the past and 'enough is enough'.

There is a history of referrals and you were warned last time – this is a serious matter. So you need boundaries and to be told what to do and accept discipline which will help you to behave in future, because we don't think anything else will. We, as stated, warned you last time. You have broken your promise to behave which you made. You now need routine and order. We have noted your letter and the doctor's letter, together with what Advocate Cobb has carefully told us. I remind you, in case you have forgotten what I said last time, on behalf of the whole Court and it is this, and I tried to put in sensible language so you didn't have any problem about what was said and what it meant and I said:

"You are getting over the line with too many referrals. We consider any further bad behaviour by you should end up in a court hearing. You will not keep on getting away with referrals. If you carry on committing offences you will go down those steps for some time. Referrals have not worked so far so something else would need to be tried."

And I added on behalf of the Court, speaking for all of us: “It is up to you to comply, not to do anything else wrong or come back to court for the ‘high jump’.” Well you have come back to court and now it’s time for the ‘high jump’.

Sentence

In relation to sentence we revoke the Probation Order on the original offence of unlawful sexual intercourse there is Youth Detention for 5 months and for the Bail offence – 1 month consecutive – total 6 months from today. The reasons under the Criminal Justice Youth Justice Law are: “Unable or unwilling to respond to non-custodial measures and the prevention of crime.” In addition, we accept that a 2 year Sexual Offences Notification Order is proportionate, when we consider the original offence and a Notice will be issued. A Notification and also a Prevention Order for 2 years with the additional condition, as recommended by the Probation Service, which will be copied from that particular report. We agree that is the right thing to protect the public and indeed yourself in future. You have had your chance, you blew it and now you go down those steps as promised.

Judge J R Finch OBE
Judge of the Royal Court

14th November 2019