

Rape and indecent assault.

[2021]GRC047

**ROYAL COURT
FULL COURT**

20 September 2021

**Before: John Russell Finch, Esq., O.B.E., Lieutenant Bailiff and Jurats:
Claire Helen Le Pelley, Terry John Ferbrache,
David James Mortimer, Joanne Marie Wyatt, David John Robilliard,
Stuart Michael Crisp, Marilyn Jasmine King, Heather Reed.**

THE LAW OFFICERS OF THE CROWN

- v -

Bailey LOVERIDGE

**Crown Advocate F M Russell appeared for the Crown
Advocate P F Cobb appeared for the Defendant**

LIEUTENANT BAILIFF:

Background

After an 8-day fully-contested trial, you were, on 24th June, convicted of 3 sexual offences set-out in two Indictments, having pleaded not guilty to them:

- (i) Rape, on 16.09.2019 of a young female, then aged 16 years.
 - (ii) Indecent assault, as part of the same incident, which was forced oral sex.
- And, whilst on bail for these offences:
- (iii) Indecent assault on a 14-year-old girl.

There was a delay in dealing with this case, caused not only by COVID, but the need to obtain reports by the defence and set-up an approved intermediary due to your ASD, Autism Spectrum Disorder. We observe that neither you nor anyone else bears responsibility or fault for this delay. You are a 20-year-old local person, with comparatively minor previous convictions.

As we said, these were full trials, with the victims giving evidence by way of recorded ABE interviews and being subjected to cross-examination, in detail, by the Defence.

You have been on conditional bail.

The victim on Counts 1 and 2, the first Indictment, was a 16-year-old virgin and you hurt her. Also, you ejaculated into her mouth, having forced her to suck your penis. You had groomed her on social media prior to your meeting in an area of grassland in St Peter Port, near Amherst School. The other young victim was vulnerable, and in care at the time. You sexually assaulted her by using your mouth on her breast; again, social media was involved.

You continue to deny these offences.

Sentencing Considerations

We find the well-known formulation in the English case of Milberry helpful in this type of case – we consider the effect on the victim, the blameworthiness of the offender and any threat to the public. We are not bound by the English Sentencing Guidelines and the great detail that they go into, but they are helpful in listing various factors which we can have regard to. We do emphasize that sentencing is carried-out on local considerations, noting especially the comparative rareness of this type of offending in this jurisdiction, i.e. Guernsey.

On the first Indictment we have a young and trusting victim, and glad of any friendly interaction, whom you set-up and exploited, treating her with utter contempt - and as we have said, a virgin. We can take proper notice of the effects such offences cause to victims, which are always lasting and serious, colouring the rest of their lives. The second victim was also vulnerable, as she was in care, despite the comparative ease of your entry into these premises. She could not consent to sexual activity and there was also an element of grooming in that case.

The experienced Probation Officer, in his helpful report, considers you pose “a significant and ongoing sexual risk to females” and he has “significant concerns whether part of [your] sexual deviance includes an element of power and violence”, as well as stating that you present “with a number of factors ... that indicate an ongoing and significant sexual risk to females”. We repeat, that you still deny your guilt. All this causes legitimate and serious concern to us. We note this morning the Victim Impact Statement from the first victim, which shows the serious effects of these offences on her.

The aggravating factors, that is the factors that make things worse, have already been touched upon and they include the vulnerability of both girls, the grooming – which shows planning, and we also mention the second girl was assaulted whilst you were on bail, so you committed another serious sexual offence whilst waiting for the earlier case to proceed.

We consider that the charges on the first Indictment should be added together to produce a combined starting point for this incident. Each case is different on its own facts and we select here a total of 7 years. On the second Indictment we start at 18 months. Both these figures seek to factor in the notable aggravating features we have spoken about and referred to.

Mitigation

Had you been truthful and owned-up for these offences, you would have got a discount of around one-third on your sentences. But both victims had to face the ordeal of a contested trial, which is unfortunate and only adds to the impact of your offending. Whilst we are not giving you such a discount, we are not adding anything on for your ‘not guilty’ pleas.

It is not our job to go casting around for things that might reduce your sentence. In fact, there is not a great deal of mitigation here, except for these things: firstly your age – you are under 21 years and a young offender receiving Youth Detention, not imprisonment; secondly, in view of the minor and unrelated convictions, we treat you as of good character and we also note your diagnosis of autism. But all this is rather restricted where a person is convicted of serious sexual offences. But, we do note that some of the evidence was agreed, helpfully.

We have taken careful note of the Probation report and the submissions of your able Advocate. All in all, we grant you a discount limited to slightly over 15% recognizing the factors just mentioned.

Sentence

These were serious and worrying crimes committed against two vulnerable victims, one aged only 14. You still have not accepted your guilt. You are a cause of serious concern to the Senior Probation Officer. Goodness knows what problems and difficulties the victims will suffer as they get older. You are a risk to females, and we are satisfied that there is an element of power and violence in your offending, as the Probation report states. The mitigation in your case does not amount to a great deal. These offences are also uncommon in this jurisdiction and it is right to pass sentences with an element

of deterrence and repudiation. We also need to pass a sentence that will protect others and enable firm conditions to be applied on your release to do so. You will also be subject to strict Notification Requirements to help achieve that. For these offences we sentence as follows; taking note of the totality principle:

- First Indictment

Count 1: 6 years' Youth Detention;

Count 2: 18 months' Youth Detention, concurrent: Total – 6 years

- Second Indictment

Count 1: 12 months' Youth Detention, consecutive.

- **Total:** **7 years' Youth Detention** from today; the statutory grounds being the seriousness of the offences and the need to prevent crime and protect the public.

Extended Sentence

The Probation report recommends an Extended Sentence. It is not our function to rubber-stamp such recommendations, but to carefully consider whether the circumstances of this offending justify them and that they must be proportionate to the facts this Court has considered during the trial.

We are, in all the circumstances before us, of the view that the normal period of statutory supervision after your release would not be adequate to secure your rehabilitation or prevent further offences. Hence, we concur in the recommendation, which is, in our judgment, solidly based on the nature of your offending.

Hence, we are passing an Extended Sentence. Your sentence today consists of two elements – the period of custody just imposed and a period of compulsory supervision. If you re-offend during that period, you are liable to be returned to Prison, either by the Court, or the Parole Review Committee. The period suggested is 5 years after your release and we consider that period plus the additional conditions meet the facts and concerns in this case. I point out at the end of this case, written Notices will be given both on this and the Notification Requirements, but I am going to mention them for the Court record. Your talented advocate will be able to go through all these things with you so you understand exactly what is involved.

On an Extended Sentence Licence the standard conditions are as follows:

1. To be well behaved and not commit any offence and not to do anything which could undermine the purposes of your supervision, which is 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 additional conditions are as set out by the Probation Officer:

1. To comply with any requirements specified by your supervising officer for the purpose of ensuring that you address your sexual offending behaviour problems.
2. Not to possess or use a computer, or other electronic device with the purpose of accessing the Internet, or have access to instant-messaging services, social media platforms or any other on-line message board, forum or community, without the prior approval of your supervising officer.
3. Not to have any 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 that is inadvertent and not reasonably avoidable in the course of normal daily life.
4. Finally, not to have any contact direct or indirectly by any means with the named victims in this case, without the prior permission of your supervising officer.

We concur with condition 2 on social media, on the basis that you misused social media to groom your victims, particularly the first girl. It is proportionate to the risks we are satisfied that you present to vulnerable females. Similarly, upon careful consideration, we see the same for condition 3; contact with females under the age of 18 years - on the facts of this case.

Notification Order

I am now going to deal with the Notification Order, which is another thing we are adding on. As I said, the Extended Sentence of Supervision is for a period of 5 years and we are now going to the Notification Order. You were subject to this from conviction. Your case is one that needs careful monitoring to reduce the risks you present. We make it for 10 years from the date you were convicted – 24th June 2021. It is our intention to provide by these measures, a degree of safeguard for potential victims. As I said, and I will repeat, there will be a written Notice with all of this, but I am going to summarize it for the Court record.

- You are now required by Law on your release to notify the Police within 24 hours; or within 24 hours of 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.

Those conditions exist for a period of 10 years and you will have Notices on both of them as I have said several times. Multi-Agency Protection will also be in force called MAPPA and this can be explained in detail too. In other words, you will need to comply with strict supervision and onerous Notification Requirements and the Probation Service, Police and others will be involved in monitoring you. That then is the sentence of this Court.

- 7 years' Youth Detention

- 5 years' Extended Sentence after release during which time you must comply with all those conditions.
- 10 years' Notification from the date of your conviction – 24th June 2021.

**J R Finch, O.B.E.,
Lieutenant Bailiff**

20 September 2021