

Sentencing on three Counts under The Sexual Offences (Bailiwick of Guernsey) Law, 2020, one of assaulting a child under the age of 13, by penetration and 2 Counts of sexual touching of a child under the age of 13 years.

Section 45 of The Criminal Justice Sex Offenders and Miscellaneous Provisions (Bailiwick of Guernsey) Law, 2013 applies to this case so there must be no publication of any matter including (but not limited to) the name, address, or school or any photograph likely to lead to the identification, the Victim in this matter, in her lifetime. Any publication in any medium whether that is in writing or by broadcast or by means of the internet including social media is an offence.

[2024]GRC077

**ROYAL COURT
FULL COURT**

1 November 2024

**Before: Catherine Maureen Fooks, Judge of the Royal Court
and Jurats: Stephen Murray Jones OBE, Stuart Michael Crisp,
Marilyn Jasmine King, Tina Jane Le Poidevin, Paul Martin Burnard,
Simon Ernest Bodkin and Richard Jeremy Wallen James**

THE LAW OFFICERS OF THE CROWN

- v -

JAMES ALEXANDER PEARSON-JUMP

Advocate P F Cobb appeared for the Crown

Advocate S E Steel appeared for the Defendant

JUDGE OF THE ROYAL COURT:

Redacted for publication to protect the identity of the child

Background

Mr Pearson-Jump you have been convicted unanimously of 3 Counts under The Sexual Offences (Bailiwick of Guernsey) Law, 2020, one of assaulting a child under the age of 13, (“the child”) by penetration which carries a maximum sentence of life imprisonment and 2 Counts of sexual touching of a child under the age of 13 years which carries a maximum sentence of 14 years’ imprisonment.

[The facts and details of the offences were committed against a very young female child were set out].

In your first interview and at trial you denied any penetration or sexual touching.

The Court has a Victim Impact Statement from the child's mother, part of which was read in Court which explains the impact of your offending on the child, [details]. She had to be interviewed and come to Court to give evidence, which is traumatic. She has had some therapy and appears currently settled but it is obvious that the true extent of the impact on her of what you have done to her will only manifest itself as she grows and changes.

You are a local man of 34 years of age and had been employed in the motor trade.

You have no relevant previous convictions. You have been on conditional bail throughout the proceedings.

Sentencing Considerations

There are no specific guidelines in Guernsey for the sentencing of sexual offences. Whilst sentencing must always take into account the special circumstances in Guernsey, this Court has tended to look at the English Sentencing Guidelines, particularly as to the aggravating and mitigating factors of offences which are in similar terms to those you committed. The Court notes the different maximum penalties. Assault by penetration carries a maximum sentence of life imprisonment and, under the English Sentencing Guidelines, is treated as only marginally less serious than rape.

We will set a starting point for the assault by penetration offence, which is the most serious offence at 4 years and then increase it to take account of the sexual touching offences and aggravating factors. We will impose concurrent sentences for the sexual touching. Were we sentencing for the sexual touching offences in isolation, the starting point for each would be 1 year.

There are aggravating factors in your case. The most serious by far is the abuse of the position of trust, there are then the very young age of your victim, that there was an element of restraint [...] and the fact that there was more than one offence.

We set a revised starting point for the penetration offence, taking into account the other offences and the aggravating factors and totality at 7 years before we take account of your personal mitigation.

Mitigation

Plea

In view of your not guilty pleas you are not entitled to any credit but this does not increase your sentence.

Personal Mitigation

The Court has considered carefully the helpful Social Enquiry Report prepared in respect of you. We have also listened to the wholly appropriate submissions of your Advocate. We have read the defence bundle of references which describe you in glowing terms, such as kind and loyal, honest, dependable and selfless, and of sound and impeccable character. We take into account what they say, though we cannot ignore the fact that the writers largely do not accept that you have committed the offences. The good character of a person committing such offences is of limited mitigation. We do not factor into our deliberations any question that you were set up; this was not raised at trial.

You have no relevant previous convictions and we treat you as a person with no previous convictions, which is your best piece of mitigation.

We note the many challenges you have faced, including bereavement and family illness, also the breakdown of your marriage [...] and the subsequent loss of your job. You are appealing your conviction, which is your right and forms no part of our deliberations. Naturally, in those circumstances, you express no remorse and can receive no credit for so doing.

Educationally you did well, despite some difficulties, and you went on to gain qualifications. You had been working until earlier this year when you left your job for understandable reasons. Your work ethic is to your credit. You are also a person with a pro-social lifestyle. You have no issues with drugs or alcohol. You told the Probation Officer that you have mental health problems but you have not sought professional help.

You are assessed as having a low risk of general re-offending and a medium or low risk of sexual re-offending depending on the form of assessment. You are assessed as having a medium risk of serious harm to children. You will be fully assessed after sentence. We note that you are already registered with MAPPA.

Sentence

Mr Pearson-Jump the offences you have committed against the child are abhorrent, and, as your Advocate said, are disgusting. She was entitled to feel safe with you and she was not. You have stolen her innocence and she will never be the same again. Your Advocate was right to concede that the custody threshold is passed and that immediate custody is the only appropriate sentence. That is the recommendation of the Probation Officer. You yourself have been preparing for that sentence. Such offending causes life-long harm to victims and must be punished and others deterred. Rehabilitation work is essential. That work takes time and cannot, in our view, be completed within the period of immediate custody or the usual post-sentence supervision, so the Court agrees with the Probation Officer that an Extended Sentence Licence is required and with the suggested additional conditions, which your Advocate said you were happy to comply with. Taking into account all that has been said and applying the appropriate discounts and totality having already been taken into account the immediate custodial sentences will be as follows:

- **Count 1** – 5 years’ 3 months
- **Count 2** – 18 months’ imprisonment, concurrent.
- **Count 3** – 18 months’ imprisonment, concurrent.

The total immediate custodial sentence will be one of **5 years and 3 months from today.**

Extended Sentence Licence

For the purpose of preventing the commission of further offences and securing your rehabilitation, the Court is imposing an Extended Period of imprisonment in relation to each of the offences concurrently. The term has two elements, the custodial term which I have already told will be 5 years and 3 months followed by an extension period after your release throughout which you will be subject to the Extended Sentence Licence and that period is for the period recommended of 2 years, thereby enabling completion of the work begun whilst you are in prison, as well as monitoring and addressing your progress after release. If, upon release, you fail to comply with the conditions of 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 an Extended Sentence 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 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. to undertake only such work (including voluntary work) as is approved by your supervising officer and notify him or her in advance of any proposed change; and
6. not to travel outside Guernsey without the prior permission of your supervising officer (which will be given only in exceptional circumstances).

We add additional conditions as recommended in the Social Enquiry Report which we consider to be necessary, not oppressive and proportionate. They are clear and are as follows:

1. not to approach or communicate, directly or indirectly, with the named victim without the prior permission of your Supervising Officer;
2. not to have any contact directly or indirectly by any means with any female child under the age of sixteen years without the prior permission of your Supervising Officer, other than such contact that is inadvertent and not reasonably avoidable in the course of lawful daily life;
3. to notify your supervising officer of any developing intimate relationship with any female partner who has any children under the age of sixteen years of her own with whom she resides or has contact, including persons previously known to you with whom you are renewing such a relationship; and
4. to comply with any requirements specified by your Supervising Officer for the purpose of ensuring that you address your sexual offending behaviour problems.

Notification

Having been convicted of the relevant offence under Section 2(3) of the Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2013 you became subject to the notification requirements under Part II of that Law and we must now set the notification period. We note the recommendation of the Probation Officer that the notification period should be a minimum of 5 years, but we consider that the appropriate period is one of 7 years which will run from the date of your conviction in respect of the relevant offences, and that date is 6 December, 2024. This period is a precaution against any risk you may pose and can be further extended. You will be given a written notice, again setting out the requirements of being a notifier, but in summary they are:

- you should by now have provided the Police with your personal details as required by Law and explained to you when you were convicted;
- after your release 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;
- after your release 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, 9 September, even if there is no change in these details.; and
- after your release you must notify the Police at least 7 days in advance of any plans to travel abroad.

Insofar as any of those notification provisions clash with those in the Extended Sentence Licence it is the Extended Sentence Licence provisions which take priority.

The Court wishes to thank the Police officers for the conduct of this important investigation.

Mr Pearson-Jump in summary the sentences are as follows:

- Total term of imprisonment 5 years and 3 months from today.
- Extended Sentence Licence 2 years.
- Notification Period 7 years.

Catherine Maureen Fooks
Judge of the Royal Court

1 November 2024