

Sentencing remarks: Count 1 - attempting to cause a child to watch sexual activity contrary to s 24 of the Sexual Offences (Bailiwick of Guernsey) Law, 2020 and s 1 of the Criminal Justice (Attempts, Conspiracy and Jurisdiction) (Bailiwick of Guernsey) Law, 2006, Count 2 - arranging or facilitating the commission of a child sexual offence, contrary to s 25(1) of the 2020 Law, Count 3 - attempting to groom for sexual conduct with a child under 16 years, contrary to s 27(1) of the 2020 Law and s 1 of the 2006 Law, Count 4 - attempting to engage a child in sexual activity, contrary to s 22 of the 2020 Law and Count 5 - sending indecent messages contrary to s 16(1)(a) of the Telecommunications (Bailiwick of Guernsey) Law, 2001.

[2025]GRC025

**ROYAL COURT
FULL COURT**

21 March 2025

**Before: Catherine Maureen Fooks, Judge of the Royal Court
and Jurats: Stephen Murray Jones OBE, David James Mortimer,
David John Robilliard, Stuart Michael Crisp, Marilyn Jasmine King,
Tina Jane Le Poidevin and Kay Alison Parnwell.**

THE LAW OFFICERS OF THE CROWN

- v -

DARRIN KEVIN BELLINGHAM

Advocate J D McVeigh appeared for the Crown

Advocate A M Merrien appeared for the Defendant

JUDGE OF THE ROYAL COURT:

Background

Mr Bellingham, you are here today to be sentenced on an Indictment containing the following Counts:

- Count 1 - attempting to cause a child to watch sexual activity contrary to s 24 of the Sexual Offences (Bailiwick of Guernsey) Law, 2020 and s 1 of the Criminal Justice (Attempts, Conspiracy and Jurisdiction) (Bailiwick of Guernsey) Law, 2006, the maximum penalty for which is 10 years' imprisonment.
- Count 2 - arranging or facilitating the commission of a child sexual offence, contrary to s 25(1) of the 2020 Law, the maximum penalty for which is 14 years' imprisonment.
- Count 3 - attempting to groom for sexual conduct with a child under 16 years, contrary to s 27(1) of the 2020 Law and s 1 of the 2006 Law, the maximum sentence for which is 10 years' imprisonment.
- Count 4 - attempting to engage a child in sexual activity, contrary to s 22 of the 2020 Law, the maximum penalty for which is 14 years' imprisonment.
- Count 5 - sending indecent messages contrary to s 16(1)(a) of the Telecommunications (Bailiwick of Guernsey) Law, 2001, for which the maximum penalty is 2 years' imprisonment.

You pleaded guilty to Counts 1, 4 and 5 and were found guilty after trial of Counts 2 and 3. The facts of the guilty pleas were set out at the trial. The offending took place over the period June to August 2024.

The facts are that Person A, an adult female, created a pseudonym profile. She presented as a 13 year old girl residing in Essex. You contacted her having seen her profile on a Kik Group called 'facesofgirls#Schooltribute' and there followed exchanges of communications, mostly messages, but some videos and photographs. Initially you communicated on Kik, later switching to WhatsApp once she had provided her number. Counts 1, 3 and 4 are attempts because Person A is not actually a child.

Count 1 concerns the sending by you of 5 videos of yourself masturbating thereby attempting to cause a child to watch a sexual activity.

Count 2 concerns messages sent by you to Person A, which this Court found were sent to arrange or facilitate a meeting for the purposes of having penetrative vaginal sex with Person A.

Count 3 concerns the sending of messages by you which this Court found were intended by you to facilitate a child engaging in sexual activity – sexual touching by penetration.

Count 4 concerns a video call with Person A, during which you were masturbating and inciting her to engage in a sexual activity, namely to masturbate with you.

Count 5 concerns messages sent by you containing pictures and videos of your genitalia.

Analysis of your phone revealed no trace of the conversations. You explained at trial that you had deliberately uninstalled and deleted the app to ensure that your family did not see the messages. At interview, you exercised your right to silence regarding the offending.

You are a non-local man of 36 years of age, 35 at the time of offending. You have been here since 2009 having come here originally to play rugby. You are married with children. You have no previous convictions.

You have been remanded in custody for your own protection since 5 December 2024 following the reaction of a section of the public to your offences and abuse to you on social media and in the real world, which extended to abuse directed at your family.

Sentencing Considerations

There are no specific guidelines for sexual offending in Guernsey so we regularly look at English caselaw and the English Sentencing Guidelines for guidance as to the approach to sentencing. The Court found helpful the general guidance as to how to sentence offences equivalent to those in Counts 1, 2 and 4 where the child does not exist. The English Sentencing Guidelines say that no sexual activity needs to take place (including in instances where no child victim exists). The Court should identify the category of harm on the basis of the sexual activity the offender intended, and then apply a downward adjustment at Step 2 (culpability), to reflect the fact that no or lesser harm actually resulted. The extent of this adjustment will be specific to the facts of the case. In cases where a child victim does not exist and, but for this fact, the offender would have carried out the intended sexual activity, only a very small reduction within the category range will usually be appropriate. Advocate Merrien highlighted the absence of most of the culpability factors and the absence of harm which we have factored into this at the starting point. There is no equivalent in England of Count 3, but we have considered the factors which appear to us to be relevant. Ultimately we sentence on Guernsey considerations. Count 2 is the most serious of the offences, as the intention was to have penetrative vaginal intercourse, so we are going to take that as the lead offence and aggravate it to take into account the other offences, making those sentences concurrent.

In terms of the messaging offences, we note the maximum sentence. Advocate Merrien helpfully drew our attention to the Law Officers of the Crown v Wilson 2024 GRC 013. We consider that the messages in this case were at the higher end of the indecency as they contained moving images.

Taking into account the various factors identified, we set the initial point for Count 2, before aggravating and mitigating factors, at 4 years. For the record, the individual starting points, were we adopting that route to sentencing, would be for:

- Counts 1 and 3 – 3 years
- Count 4 – 4 years
- Count 5 – 12 months.

There are aggravating and mitigating factors in your case. In terms of aggravating factors, this is a sustained period of offending incorporating several different offences, there is an element of cover-up, your deletion of the App and your request that Person A also delete the messages, your knowledge that the communications were with a person who clearly stated that she was 13 years old. In terms of mitigating factors, there is, of course, the mitigating factor that there is no actual Child, which is the same as taking into account the fact that these offences were charged as attempts. There is, as Advocate Merrien said, the early stage of the arrangement as opposed to a completed arrangement and lastly, his point that no indecent images of any child were actually exchanged.

We have taken into account the totality principle. We set the revised starting point for Count 2 (including the other offences) and taking into account the aggravating and mitigating factors but before consideration of plea and personal mitigation, at 6 years.

Mitigation

Plea

The Court must first consider the impact of your pleas on sentence. We afford you full credit for your guilty pleas to Counts 1, 4 and 5. Obviously you are not entitled to any credit in respect of your not guilty pleas to Counts 2 and 3. In view of the fact that Count 2, which we have taken as the lead offence, was a not guilty plea and therefore there should be no discount, were it being treated alone, we consider that the appropriate way to deal with plea discount in this matter is to afford a 25% global discount across all the offences.

Personal Mitigation

The Court has considered carefully the informative and sensible Social Enquiry Report prepared in respect of you. We have also listened to the helpful and realistic submissions of your Advocate. Those submissions were particularly helpful in relation to the appropriate sentencing principles.

We have carefully read the materials provided, including your letter and the positive and impressive letters from others, who describe you as possessing many fine qualities and provide important background information to the Court.

We note your unusually traumatic childhood. You have seen and experienced things that no child should see. We agree with the report writer that this background is significant. We acknowledge your lifelong struggles with mental health. At the time of the offending, you had been overwhelmed by the

stresses of life/work and retiring from rugby through injury. As you say, this does not provide any excuse whatsoever, but sheds some light on what led you to this particularly dark place.

It is a very important point in your mitigation that you are a person with no previous convictions and additionally, you are a person of previous good character in terms of your role in the community, particularly your rugby, and the giving of your personal time to improve the Club of which you were a valued member.

You had also been running your own business employing others and you were described as “a reliable employer and mentor” to those starting their careers and were providing employment and skills development opportunities to the community. That business was a significant source of family income and faces a somewhat uncertain future.

We acknowledge that you are a family man and this, together with your work and your community efforts in terms of the rugby, leads to the appropriate description of you as a “pro-social” person.

You have accepted the verdicts of this Court, which is to your credit, and you have expressed remorse. Your self-referral to the Lucy Faithful Foundation and private counselling in an attempt to understand your past and your offending are commendable. We note your positive attitude towards professional involvement and engagement with Probation. We acknowledge the impact on you of the adverse public reaction to your offending.

You are assessed as having a very low risk of general re-offending and a medium risk of sexual re-offending. It is said that you can pose a risk of serious sexual and psychological harm to female children. You will be subject to MAPPA.

In accordance with Bourgaize v the Law Officers of the Crown 2014 (Jmt 49), the Court is required specifically to consider the Article 8 rights of your wife and minor children, who would be affected by your being imprisoned, as well as yourself. A sentence of imprisonment, almost by definition, interferes with family life. The imposition of a sentence of imprisonment for a serious criminal offence is in accordance with Law and in pursuit of a legitimate aim within Article 8.2. Parents who commit serious offences face prison like everyone else. The issue for this Court is always whether the imposition of an immediate custodial sentence would be a proportionate interference with family life, given the balance between the various factors.

We have been provided with a volume of information about the impact on your wife and children of your being imprisoned. In view of the threats to them, which we deplore, we say no more than we have taken into account all that has been placed before us and acknowledge that there is evidence of impact, in particular on one of your children, beyond that to be expected in any other case. There are no concerns as to the arrangements for the care of your children by your wife. We have carefully balanced the impact against the legitimate aims of sentencing in a serious case like this. In your case, this can only go to the length of the sentence, as was acknowledged by your Advocate.

Sentence

These are serious offences. There can be no doubt that the custody threshold has been passed. Sentencing is not just about the rehabilitation or the impact on an offender or his family. Such offending must be punished, the public protected and others deterred. An immediate custodial sentence is the only appropriate one, as you have acknowledged but we have taken into account the Article 8 rights for your family, in terms of the length of the sentence.

We heard representations from your Advocate as to the Extended Sentence Licence. I reiterate that we have taken into account the totality principle. We have also taken into account the time served on remand.

You are rightly shocked and disgusted by your behaviour. The messages are sickening. You knew that the only outcome today was to remain in prison and this will continue to impact your family. That impact is the consequence of your behaviour but in your case there is cause to believe that you can be rehabilitated. You yourself took the first important step towards rehabilitation by accessing therapy and the Lucy Faithful Foundation and we are told that you are committed to taking the help which will be offered to you in prison. We encourage you to carry through that commitment.

Taking into account all of the above and applying the appropriate discounts, the sentences will be as follows:

- **Count 1** - **18 months' imprisonment**
- **Count 2** - **3 years' imprisonment**
- **Count 3** - **18 months' imprisonment**
- **Count 4** - **2 years' imprisonment**
- **Count 5** - **6 months' imprisonment**

All these sentences are concurrent

This means that in total, the sentence will be one of **3 years' imprisonment** and this is with effect from **5th December 2024**.

Extended Sentence Licence

Having considered the recommendation in the Social Enquiry Report with which this Court agrees, we consider that the usual 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 in relation to each of the offences under the 2020 Law but this does not apply to the messages offence. This has two elements, a custodial term, which I have already told you will be for a total of 3 years, followed by an extension period after your release, through which you will be subject to an Extended Sentence Licence. The extension period shall be for the period recommended of 2 years on each of the offences under the 2020 Law, concurrent 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 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 notifying 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) 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 in exceptional circumstances only).

Additional conditions are added, as recommended in the Social Enquiry Report, which the Court considers necessary, not oppressive and proportionate, and capable of being both understood and sensibly enforced. Those conditions 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;
2. not to use or possess any device or computer capable of accessing the internet unless you have the prior approval from your supervising officer and/or the Police. Any such approved device must have the capacity to retain and display the history of internet use, which includes, but is not limited to, internet messaging applications, and social media platforms;
3. not to use any social media, including internet forums, unless the profile is in your true name, date of birth/age, uses a profile picture that shows a true resemblance of you, and the details of usernames and passwords are provided to the Probation Service or Guernsey Police by you within 48 hours of creation of the account;
4. not to delete the usage history on any internet enabled device;
5. not to use any function which restricts the ability for a device to retain or display such history (examples being 'private' or 'incognito' mode);
6. to allow any electronic devices you are using or in your possession, to be inspected and/or removed for inspection as required by your supervising officer or the Police. These devices should be made immediately available upon request by your supervising officer and/or the Police; and
7. 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.

Forfeiture Section 3 Police Property and Forfeiture (Bailiwick of Guernsey) Law 2006 as amended

The Crown's application pursuant to section 3 of the Police Property and Forfeiture (Bailiwick of Guernsey) Law, 2006, which was not opposed, for the forfeiture of the lawfully seized black iPhone, valued at between £355 - £420, which clearly relates to the offences, is also granted, the Court having considered the likely effects on you of forfeiture.

Notification

Having been convicted of a relevant offence under the Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2013 (and that relates only to the sexual offences), you became subject to the notification requirements under Part II of that Law and we must now set the notification period.

We follow the recommendation of the Probation Officer, that the notification period should be 5 years which, in view of the different dates of conviction in your case, we order to run until 5 February 2030. This period is a precaution against any risk you may pose and can be further extended. You will be given another copy of the written Notice setting out all the requirements of being a Notifier and, as you know Mr Bellingham, not all of them apply at this point, bearing in mind that you are in custody. I will summarise them very briefly:

- you should by now have provided the Police with your personal details, as required by Law and explained to you;
- within 24 hours of your release, you must provide the Police with your personal details again, any change of name or home address, at least 24 hours in advance or within 24 hours if you had no prior knowledge of the change;
- any address where you reside or stay for 7 days or longer which means 7 days at a time or 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 (which I suggest you take as the 5 December 2024), even if there is no change in those details; and
- after your release, you would have to notify the Police at least 7 days in advance, of any plans to travel abroad but of course, that condition is subject to the condition in the Extended Sentence Licence whereby you would need the permission of the Supervising Officer to travel and that would only be granted in exceptional circumstances.

Where there is any clash between the Extended Sentence Licence and the Notification, it is the Licence that prevails.

In summary, I repeat that the total sentence is:

- **3 years' imprisonment with effect from 5 December 2024**
- **Extended Sentence Licence on the sex offences – 2 years on each concurrent**
- **Notification of 5 years which is to run until the 5 February 2030**
- **Forfeiture of the iPhone**

**Catherine Maureen Fooks
Judge of the Royal Court**

21 March 2025