

Sentencing remarks regarding numerous sexual offences against females under 16 and indecent images offences. Vaginal rape contrary to section 11 of the Sexual Offences (Bailiwick of Guernsey) Law, 2020. Sexual assault contrary to section 13 of the 2020 Law and sexual touching of a child contrary to section 21 of the 2020 Law. 4 Counts of making indecent images contrary to section 105(1)(a) of the 2020 Law. Six counts of sending indecent messages contrary to section 16(1)(a) of the Telecommunications (Bailiwick of Guernsey) Law, 2001.

**[2025]GRC037**

**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 of work or school or any photograph likely to lead to the identification of the Victims in this matter, in their respective lifetimes. 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.**

**Section 115 of the Children Law (Bailiwick of Guernsey) 2008 also applies to this case so that there must be no publication of any matter including but not limited to name address work/school or any photograph likely to lead to the identification of the other children concerned in these proceedings [eg those who appeared as witnesses at trial and those named in the indecent messages offences]. Any publication is an offence. Publication means to distribute, publicise or disseminate information by any medium, including by newspaper, by radio or television broadcast, or by the internet, and related expressions are to be construed accordingly. Social media is included.**

**ROYAL COURT  
FULL COURT**

**21<sup>st</sup> May 2025**

**Before: Catherine Maureen Fooks, Judge of the Royal Court  
and Jurats Stephen Murray Jones OBE, David James Mortimer,  
Stuart Michael Crisp, Marilyn Jasmine King, Heather Reed,  
Simon Ernest Bodkin, Jillian Clark, Richard Jeremy Wallen James  
and Ian Michael Brown,**

**THE LAW OFFICERS OF THE CROWN**

**- v -**

**BEN FRANK SPRUCE**

**Advocate P F Cobb appeared for the Crown  
Advocate C J Green appeared for the Defendant**

**JUDGE OF THE ROYAL COURT:**

**Note**

At the start of this hearing Mr Spruce was told the total sentence and certain of the remarks were read to him but, for publication, the remarks are in the usual order.

## **Background**

Mr Spruce you appear for sentencing on two Indictments containing 18 Counts altogether. The facts have been fully outlined by the Prosecuting Advocate so I will summarise the essential elements for these remarks adopting the identification of the Complainants (“C”) by Complainant number, as per the Prosecution outline.

Indictment 1 consists of five contact sex offences, all of the victims were female and under 16:

**Count 1** is a vaginal rape contrary to section 11 of the Sexual Offences (Bailiwick of Guernsey) Law, 2020 (the “2020 Law”), on 26 December 2023, of C1 and carries a maximum penalty of life imprisonment.

**Count 2** is an oral rape contrary to the same legislation on the same date of the same Complainant, C1.

**Count 3** is a sexual assault contrary to section 13 of the 2020 Law between 1 January 2023 and 31 January 2023 of C2 and carries a maximum penalty of 10 years in prison.

**Counts 4 to 6** are the sexual touching of a child contrary to section 21 of the 2020 Law between 7 and 9 May 2023 of C3 and carries a maximum penalty of 14 years in prison.

**Counts 7 and 8** are the sexual touching of a child contrary to section 21 of the 2020 Law between 1 October 2023 and 31 January 2024 of C4.

Indictment 2 consists of 4 Counts of making indecent images contrary to section 105(1)(a) of the 2020 Law, the maximum penalty on each is one of 10 years’ imprisonment. These images are now grouped into three categories by reference to the Child Abuse Images Database (“CAID”). The most serious is Category A, which includes penetrative sexual activity, sadism or sexual activity between children and animals. Category B covers non-penetrative sexual activity and Category C covers all other indecent images not in the first two categories:

**Count 1** (from 29 April 2023 to 31 May 2023) concerns 28 Category A images;

**Count 2** (from 29 April 2023 to 30 May 2023) concerns 8 Category B images;

**Count 3** (from 11 December 2023 to 13 December 2023) concerns 4 Category A images;  
and

**Count 4** (from 29 April 2023 to 13 December 2023) concerns 2 Category B images.

There are then six Counts of sending indecent messages contrary to section 16(1)(a) of the Telecommunications (Bailiwick of Guernsey) Law, 2001. The maximum penalty is 2 years’ imprisonment. All the recipients were children under 16 and were female save as indicated in the following list:

**Count 5** (between 11 May 2023 and 31 December 2023) to C5;

**Count 6** (between 14 April 2023 and 31 December 2023) to C6;

**Count 7** (between 23 April 2023 and 31 December 2023) to C7;

**Count 8** (between 1 August 2020 and 15 November 2020) to C8 who is male.

**Count 9** (between 1 September 2020 and 28 April 2023) to Complainant 9 who is male;  
and

**Count 10** (between 1 April 2023 and 31 December 2023) to Complainant 10.

You had pleaded not guilty to Indictment 1, Counts 1, 2, 3, 7 and 8 but were found guilty after trial. You entered guilty pleas to the remaining offences.

There is one factual matter of significance and that is that you were diagnosed with Hodgkin’s Disease in May 2020. You were successfully treated so your remission date was 28 October 2020.

## **Indictment 1**

### **Counts 1 and 2 Two rapes of C1**

On 26 December 2023, C1 was 13 years old, which you knew, and you were 18 years old. You began communicating on Snapchat and you began to make reference to sexual matters, making her feel uncomfortable. You sent her pictures of your penis and requested images of her in return. You made frequent requests to meet, including offering her money to do so. It was agreed that you would meet on Boxing Day and you went to a field near her house. You asked her to touch your penis, she refused and you pushed her to the ground and forced your penis into her mouth for approximately 2 minutes (**Count 2**). You then vaginally raped her for approximately 5 to 6 minutes before getting out a condom (**Count 1**). You left and went to town. She made her way home where her mother noted that her daughter was pale, shocked and muddy. You were identified by C1 as the perpetrator from Promat images and there were also notifications of the Snapchat messages on your phone, even though you had deleted the application earlier in the day on the day of seizure. There was also evidence in the form of location data on your phone and evidence from witnesses as to your whereabouts. At interview you mostly exercised your right to silence but denied knowing who C1 was, claimed never to have gone to the area and denied that you had raped her. You claimed that your devices had been hacked. You were found guilty at the trial of both Counts. In her Victim Impact Statement, C1 says that she just wanted to be friends but you got her to do wrong things. She felt anxious, ashamed and embarrassed. She found the courage to tell her mother and then had to go through the police stuff and the Court. She was accused of making things up and she said this *“that’s not right I haven’t done anything wrong it was him”*. She is receiving some therapy and it is in her mind every day.

### **Count 3 – Sexual Assault of C2**

In January 2023 C2, who was then 15, (you were 18) was at Saumarez Park with her friends. There had been no prior contact with you, you approached her from behind, grabbing her breasts with both hands and lifting them up for about 2 seconds. She said that you had said that you thought she was someone else. This assertion was rejected. She identified you on Promat. At interview you denied being at the park and were unaware that there was even a playground there. You also said that you were interested in men and not women. You were found guilty at trial. There was no Victim Impact Statement from C2 but, in evidence, she said that she felt guilty and bad and that it had changed her.

### **Counts 4, 5 and 6 – Sexual Touching of a Child, C3**

Between 7 and 9 May 2023, C3 was 14, which you knew, and you were 17 although you told her that you were 16. Again, communications started on Snapchat and became sexual with the use of inappropriate language by you, sending pictures of your penis and videos of you masturbating and requesting indecent images of her, which she sent. You were pressing to meet in person and your messages were manipulative, telling her about your cancer which, at that point was a lie, that you were moving away and wanting her to share her location as you said *“you’re mine and I want to know where you are”*. There was discussion about meeting up for sexual activity. You met her at Beau Sejour, she refused to do anything sexual and, in a state of agitation, you forced her to the ground and, despite her resistance, grabbed her jaw and forced your penis into her mouth, grabbed her head and moved it back and forth. When she tried to leave you said that you weren’t done, tried to pull her trousers down and, after she had said no, she gave in. You penetrated her vagina (**Count 5**) and her anus (**Count 6**) which hurt. You did not use a condom and you ejaculated outside her. You recorded the sexual acts and sent them to her. Those recordings form some of the indecent images in Indictment Two. Your defence was that the sex had been consensual. The Prosecution accepted pleas to sexual touching of a child which is an offence which does not require proof of lack of consent. You declined the opportunity for interview. We have no Victim Impact Statement from this Complainant and there was no trial at which she gave evidence, but we have no difficulty in inferring that the offending against her will have had a significant impact upon her, as one would expect.

## **Counts 7 and 8 – Sexual Touching of C4**

From October 2023, when C4 was 14, which you knew, and you were 18, you began contact on Snapchat. You said that she was “*yours*” and asked her to share her location. You offered her money or gifts to have sex with you. She said she did not want to. You asked her what she would do if you had sex with her anyway, whether she would tell anyone. You met about seven times. She recalled one occasion in the lanes by Beau Sejour when you touched her breasts under her clothes (**Count 7**) and her vagina and bottom over her clothing (**Count 8**). She did not want this contact and she pushed your hands away. You declined an opportunity for interview. Her Victim Impact Statement demonstrates significant psychological impact on her with what she describes as freezing and crying when she hears or sees things associated with you and an inability to go to places with those associations. She described very bad depression and anxiety. She never feels clean. She has flashbacks. She is scared. She finds it so hard to trust people and so scared that it is going to happen again. She summed it up by saying that it was “*honestly the worst time of my life*”.

## **Indictment 2**

### **Counts 1 to 4 Indecent Images**

Examination of your devices revealed 32 Category A and 10 Category B images all of which are linked to C3 and C7. These are first generation images. You exercised your right to silence except admitting that one of the phones on which the indecent images were found was yours.

### **Counts 5 to 10 Indecent Messages**

Each of these offences involves you sending sexually explicit messages and in all cases some indecent images of yourself.

**(Count 5)** C5 is a Jersey resident. In May to December 2023 she was 11 and you knew this. You were 17 to 18 years old but pretended to be 12 and later 17 when you were actually 18. You sent messages, asking her to meet to have sex with you and 1 to 3 nudes. When she refused to meet you in Jersey, you said that you knew where she lived. She was left shocked and uneasy by your messages.

**(Count 6)** C6 is another Jersey resident. In April to December 2023, she was 12 but she told you for a while that she was 14. You told her that you were 16 to 17 but you were actually 17 to 18. You asked her if her friends would have sex with you. You pushed her to look at sexually explicit material when she did not want to and you used your cancer, a lie at that point, to persuade her to do so. You sent her pictures of your penis and requested indecent images from her. She declined to meet you in Jersey. Her Victim Impact Statement says that she finds it hard to trust male adults. She is anxious about you coming to find her, as you have threatened to do so and she found the stuff that you sent embarrassing. It all goes round in her head. She was distracted because of the Court case and very worried that she would have to go to Court. She is beginning to realise that it is not all her fault.

**(Count 7)** C7 is a UK resident. In April to May 2023, she was 14, which you knew, you were 17 to 18 but lied that you would be 16. There are messages and telephone calls in which, again, you lied about having cancer and offered her money and bought her some jewellery to keep her engaged. You made numerous and extremely explicit sexual comments and requests. Sexual images were exchanged and are part of the indecent images counts. Her Victim Impact Statement says that the offending has impacted on her relationship with her parents and her new relationships with others. She is worried that you will go to find her. The messaging disrupted her GCSEs because of the timing and she has had anxiety and stress leading to her miss school. She has suffered from low-esteem, deteriorating mental health and body image impact.

**(Count 8)** From August to November 2020, C8 was 11 or 12 and known to you. You were 15. You asked him to send a nude image which he did not. You sent one to him and threatened him with violence if he did not send a video of him inserting an object into his anus. After more threats, he did so and you

circulated the video to his friends. After this you told him that you had bought an expensive vape and threatened him with violence via his sister if he did not do as asked. You sent him 3 to 9 pictures of your penis. The Victim Impact Statement from his mother explains the extreme impact on him of the shared film and the impact on his behaviour. She put it this way, “*humiliation, guilt, anger and upset*”. There was no doubt that he was also affected by stress at the possibility of having to give evidence.

**(Count 9)** This offending started in September 2020 and went on until April 2023. At the start of it C9 was 14 and you were 15. The messages developed into sexual messages, you requested videos from him while he was watching porn and you sent him unwanted sexually explicit videos and images, including pictures of your penis. This Complainant’s Victim Impact Statement describes a big impact, as a result of the receipt of the images, which left him feeling odd and out of place.

**(Count 10)** C10 is an Isle of Man resident. Between April and December 2023 she was 12 to 13 years old, which you knew, and you were 17 to 18. You sent her pictures of your penis and made repeated requests for nude pictures of her. She sent some and you shared them with her friends and threatened to get girls that you knew to batter her. She was frightened by this.

You exercised your right to silence at interview or declined an opportunity for interview in relation to all of the messaging offences.

You are a single local man who turned 20 a few days ago. As can be seen from the helpful chronology, the offending is mostly in 2023 when you were 17 or 18 but the offending against C8 and C9 started when you were 15. The offending finally ended shortly into 2024.

You do not have any previous convictions. Advocate Cobb has set out the history of the proceedings and the time it was necessary to take to bring all matters before this Court. You have been remanded in custody throughout the proceedings since 7 March 2024.

## **Sentencing Considerations**

We agree with Advocate Cobb’s overall description of your offending and, in almost all cases, having a modus operandi, which is essentially one of grooming characterised by targeting younger, sometimes much younger children, male and female, starting with messages, sending and requesting nude photos, using threats, controlling behaviour, intimidation and making promises of money and or gifts. You told lies about your cancer to keep the children’s attention. You were trying to meet them and in some cases you did manage to do so and you engaged in unlawful sexual activity. The bulk of the offending is in 2023.

This is a complex sentencing exercise in view of the number of offences of different types, albeit that they are sexual in one way or another, including the telecommunications offences. Sentencing is not a mathematical exercise. We have allowed for totality in the course of our calculations. We have given a specific discount for age.

## **Rape**

Taking the offence of rape first. Last year the Guernsey Court of Appeal reviewed the sentences of this Court of young persons found guilty of rape and other sexual offences in the cases of The Law Officers of the Crown v Trenchard [2024] GCA 025 and The Law Officers of the Crown v D1 and D2 [2024] GCA 029. In the judgments in these matters the Court of Appeal affirmed the practice of this Court to look at the English case of Millberry [2002] EWCA Crim 2891, as well as the current English Sentencing Guidelines as to the sentencing of rapes.

In Millberry, it is said that the Court should consider the effect on the victim, the blameworthiness of the offender and any threat to the public. The starting point for a single offence of rape without any of the additional features and aggravating factors identified in the Millberry judgment, should be 5 years,

increasing to 8 years where there are any such features or aggravating factors, and specifically, including where the victim is a child. These factors are not dissimilar from the English Sentencing Guidelines where the minimum starting point is also 5 years and the highest 15 years, based on gravity assessed by reference to three criteria which are broadly similar to Millberry, first, the harm to the victim, second, the culpability of the offender and third the level of risk posed by the offender to society. The starting point is then increased or decreased by the application of aggravating or mitigation factors. This Court routinely looks at the sentencing guidelines in England for guidance in a range of cases, not just sexual ones, especially in terms of aggravating and mitigating factors. We have started our sentencing exercise with all of the above in mind.

We must first set the starting point as if you were an adult. Were we sentencing an adult for a single rape alone, the initial starting point before aggravating and mitigating factors would be 5 years. In your case, there are two offences which are similar, so the starting point for each (which will be concurrent with each other) will be increased to take account of the second offence and also the aggravating factors but also reduced to reflect that the two offences occurred during the same incident and to ensure that the sentences, which, as I have said, will be concurrent with each other, are not unduly long.

There are aggravating factors in your case.

1. your victim was a 13 year old child;
2. the age gap between you and her was significant, you were 18, an adult;
3. there is an element of grooming; and
4. the sexual intercourse was partially unprotected.

We do not accept that the absence of other aggravating factors amounts to a positive mitigating factor. Were we sentencing you as an adult the revised starting point for the one rape would be one of 8 years. We start with 12 years for each of the two rapes to be concurrent which allows for totality.

### **Sexual Assault/Sexual Touching**

The next offences are the sexual assault and touching of a child. There is no specific guideline in relation to the sentencing of these offences but we have sentenced them and do so today on general principles derived from Millberry and the English Sentencing Guidelines, mindful always of the local Guernsey context.

These are less serious offences than the rapes and we are mindful of the maximum penalties but they are serious, nonetheless, in particular Counts 4 to 6 relating to C3 which involved penetrative sexual activity. As there are three different victims, we will set three separate starting points. For C3 we will impose sentences which are concurrent with each other.

### **Sexual Assault**

Taking the sexual assault against C2 first, this was touching over clothes, short-lived but shocking. She was younger than you and as the Report Writer describes it "*it was a sexually aggressive act without boundaries*". We are taking a starting point of 1 year. There are aggravating factors, particularly the age of this Complainant but there are also mitigating factors, it was opportunistic, it was of short duration and it does not form part of the modus operandi, so overall we leave the starting point at one of 1 year. The sentence for this offence will be consecutive to that relating to C1.

### **Sexual Touching**

Turning to the sexual touching offences, there are two different Complainants and first we have C3, the very serious sexual touching involving three different acts of penetrative activity on a younger person. You maintain that the acts were consensual as a matter of fact but you accept that they were not so in

law. We take a starting point for one offence of sexual touching at 4 years. The aggravating factors are as follows:

1. your victim was a child;
2. there was a significant age gap between you;
3. there was present the grooming element;
4. she was particularly vulnerable;
5. you filmed the offending; we have been very careful when considering the filming aspect to note that it is aggravating factor in this matter but is also a factor in the indecent images, so we have not double counted, but it is still an aggravating factor in this matter; and
6. the sexual activity was unprotected.

Taking into account all those aggravating factors and the fact that there are three similar offences we have aggravated the starting point to 8 years. As I have said, the sentences will be concurrent as between each other on Counts 4 to 6 but consecutive to that in Count 1.

The second sexual touching matter is that in relation to C4 and concerns touching of her both under and over her clothing. We set a starting point for both of 2 years which will be sentenced concurrently. The aggravating factors are:

1. the age gap;
2. the touching, including touching under clothes;
3. the issue of grooming; and
4. there was a significant impact on her, personally from this offending.

Taking into account all of the above, we set a revised starting-point for each of these offences of 3 years. The sentence for these offences will be consecutive to Count 1 but concurrent with each other.

### **Indecent Images**

In 2012, the Court of Appeal provided guidelines in relation to sentencing in indecent images cases in Guernsey and Wicks, Sharp and Towers is the case to which this Court has regard.

At that time, reference was made to five levels of seriousness. Levels 4 and 5 were the most serious and are now reflected by reference to Category A from CAID. Levels 2 and 3 have become Category B. The Court of Appeal in Wicks sets out five categories of seriousness, to each of which an “initial figure” for sentence is assigned and we have adopted the same criteria. In this case it is accepted that these are first generation images and therefore the first of the bands of sentences in Wicks, to which we have regard, is Category 1, which now covers making an image within Category A, and so relates to **Counts 1 and 3** on Indictment 2 where an initial figure in the region of 6 years’ imprisonment is indicated. The second band is Category 2, in respect of images within Category B, and so relates to **Counts 2 and 4**, where an initial figure in the region of 4 years’ imprisonment is indicated.

Taking those starting-points and joining **Counts 1 and 3** together, so that we look at the Category A images together and **Counts 2 and 4**, so we look at Category B images together we take starting points of 6 years and 4 years, respectively. There are aggravating factors:

1. there is more than one offence;
2. there are several devices used;
3. the images include moving images;
4. these are first generation images;
5. these are actual local children; and
6. some of these images have been shared.

Advocate Green urged us that it was a mitigation factor that there was a very low number of images. We do not agree with that. The starting points in Wicks, Sharp and Towers are clear. It is the presence of a greater number of images which is an aggravating factor rather than a low number being a mitigating factor.

Having taken into account all of that we revise the starting points for **Counts 1 and 3** to 12 years and **Counts 2 and 4** to 6 years.

### **Indecent Messages**

There are no sentencing guidelines, as such, for the sending of indecent messages so we sentence on Guernsey principles in the Guernsey context. We are constrained by the maximum sentence for the offence of 2 years. Advocate Cobb explained that these offences were chosen because the offence under the 2020 Law of sexual communications with a child is summary only and it was considered important to keep all matters together.

Mr Spruce you have engaged over a prolonged period in extensive communications with six children, ranging from 11 to 14 years old. You were 15 to 17, as respects C8 and 9, and otherwise you were 17 to 18 years old. We note that the offence is the sending not the receipt of messages you had sought and, on occasion, obtained by threats or promises, although we do consider that this forms part of the background. The messages requesting indecent images are in themselves indecent.

We take a starting point of 18 months for one offence which we aggravate to 48 months to take account of the number of offences and the aggravating factors. We accept that that starting point is above the maximum. The aggravating factors which are present, although not in each and every one of the Counts are as follows:

1. telling the children to delete the messages;
2. the big age gap between you and them which was as much as 6 to 7 years, in relation to C5;
3. the lies told;
4. the threats made; and
5. the sharing.

We will pass concurrent sentences in respect of the other Counts.

The revised starting points for the groups of offences are as follows:

- **Rapes** – 12 years
- **Sexual Assault (Count 3)** – 1 year
- **Sexual Touching (Counts 4 to 6)** – 8 years
- **Sexual Touching (Counts 7 to 8)** – 3 years
- **Indecent Images (Category A)** – 12 years
- **Indecent Images (Category B)** – 6 years
- **Indecent Messages** – 4 years

### **Mitigation**

#### **Plea**

The Court must first consider the impact of your guilty pleas on sentence. We afford you full credit for your guilty pleas to 13 of the 18 offences which saved seven of the victims from the ordeal of Court and freed up the lengthy court time allocated to the second trial. You are obviously not entitled to any credit in respect of Counts 1 to 3 and 7 to 8 on Indictment 1 but neither are you penalised for not having entered guilty pleas.

### **Personal Mitigation**

In terms of personal mitigation, the Court has considered carefully the thorough Social Enquiry Report prepared in respect of you. We have also listened to the helpful and realistic submissions of your Advocate. We have carefully considered all the materials provided on your behalf, in terms of letters from you and family members, the report from the Autism Diagnostic Service and the psychological reports from Mr Humphrey and Dr Briggs.

An important piece of mitigation for you is that you have no previous convictions. You come from a stable and supportive family. Educationally, despite what Mr Humphrey's describes as your moderate intellectual disability, and your cancer as a teenager, you were able to complete your GCSEs and a course with distinction and have shown yourself to be a hard worker. At the time when you were arrested and remanded in custody, you were working with your father in his business and in security and you have a plan to return to that and obtain a qualification. We note the diagnosis of Autism shortly after your 18<sup>th</sup> birthday which impacts on your ability to interact socially and affects how you view the world. The Report Writer and Dr Briggs opine that this cannot be seen as a primary or causal factor in your offending. You were aware of the ages of the victims but carried on messaging, sending images and attempting to pressure them into sexual contact nonetheless. We note your issues with mental health and depression as detailed in Dr Brigg's report, as well as the traumatic incident described in some detail in that report.

It is abundantly clear from your letter and the other materials and what your Advocate has said that your diagnosis and treatment in Southampton during Covid for cancer was traumatic for you and your family. Dr Briggs says this has left you vulnerable to anxiety and depression and occurred at a critical time in your development to the detriment of that development. As you say, it does not move any blame from you for your actions but it is for us to consider in terms of offering some explanation and we have done so. You recognise that the trauma needs to be addressed. All that said, we cannot and must not ignore the fact that you used your cancer as part of your modus operandi.

In terms of remorse, the position has changed today, in that you now say that you accept the Court's verdicts and you express remorse for all offences. It is said that you are showing early signs of remorse and willingness to engage in the necessary work. You have no issues with alcohol or substances. Dr Briggs reports you as fully cooperative with the assessment and indicating a willingness to engage in the work to address your offending behaviour. He says that you have "*made a good start*" in terms of discussion as to the potential for relapse. Advocate Green urge this Court to give you considerable credit for the glimmers of hope shown in your response to the offending.

In terms of risk assessment, this can only be properly completed post-sentence. At the moment, the end result of the Report Writer's assessment is that you pose a medium to high risk of sexual reoffending and of causing serious harm. Dr Brigg's assessment is that, now, untreated, you pose a significant level of risk to young people of reoffending. You will be registered as a MAPPA subject.

You are a young person and we must approach sentencing in accordance with the sentencing principles applicable to young persons, which in Guernsey are set out in the statutory framework under the terms of The Criminal Justice Youth Detention (Bailiwick of Guernsey) Law, 1990. The recent Court of Appeal decisions referenced above and that of Topley v The Law Officers (2023) GCA 027 confirm that age is an important mitigating factor to be reflected in the final sentence set.

The majority of your offending was when you were either 17 or 18 years old. The English Sentencing guidelines suggest a reduction for those between 15 and 17 years old but other than that a person of 18 years old is entitled to a reduction for age. We fully acknowledge that a person of 17 or 18 is a young person who lacks maturity and, in comparison with an adult, any sentence of Youth Detention will seem longer. We have also taken into account, specifically, the offending when you were younger than 17.

Under the 1990 Law, the Court must be satisfied that the only appropriate method of dealing with you is to pass a custodial sentence, which is one of Youth Detention, which must not be passed unless one of three factors is satisfied, only two of which are applicable to you as follows:

- (a) that a custodial sentence is necessary for the protection of the public or the prevention of crime, or
- (b) that the offence was so serious that a non-custodial sentence cannot be justified.

The Court is satisfied without hesitation that both of those apply in your case. The Court is required to take into account any information relevant to your character and physical and mental conditions and should consider reports. In that regard, the Court has had the benefit of the Social Enquiry Report and the reports of Dr Briggs and Mr Humphreys. The Court is also required to consider the issue of disruption to education and training. You are not undertaking any specific training at the time of your arrest but the Court is satisfied that there are opportunities for you in Youth Detention for further education and training. Taking into account all of these factors we are applying a discount of between 25 and 30% to reflect your age.

### **Sentence**

Mr Spruce, on any analysis, you are a dangerous sexual predator. You have committed a series of sexual offences against ten victims, including the most serious sexual offence of rape. You have also committed offences of sexual assault and touching of three others, including the penetration of Complainant 3. You have made indecent images of two of your victims. You have shared indecent images. You have sent the most explicit images and messages to six children. You have intimidated and frightened all of your victims. The scale of your offending is astonishing. As the Report Writer says, your actions have been driven by your own sexual desires without any thought for the ages of your victims. You accept that you must be punished. You are clearly a serious danger to children and the only way to protect them is to keep you in prison.

We are also going to impose the Extended Sentence Licence which you did not oppose. It is crucial, and you know this, that you are properly supervised on your release and any necessary further work completed with you.

Mr Spruce you have said that you want to work towards becoming a better citizen and that you will not be getting into trouble again, as you don't want Guernsey Prison to be your future. It was said on your behalf that you want to come out of prison a better man, having completed your treatment. You are described by Dr Briggs as having the potential for change. This is your chance to work closely with those who are qualified to help you to make that change.

We have taken into account everything that has been said on your behalf and everything that we have read. We have taken into account your pleas. We have taken into account your age and we have applied the totality principle.

We have also taken into account the time served on remand but still the sentence of Youth Detention is a long one. Taking into account all that has been said and written and applying the appropriate discounts and principles the sentence will be as follows:

### **Indictment 1**

- Count 1** (Vaginal Rape) – 7 years and 2 months.
- Count 2** (Oral Rape) – 7 years and 2 months, concurrent.
- Count 3** (Sexual Assault) – 6 months, consecutive.
- Count 4** (Sexual Touching) (C3) – 2 years, consecutive.
- Counts 5 and 6** (Sexual Touching) (C3) – 2 years on each, which are concurrent to the sentence for Count 4 (and we make the observation that the total sentence of 2 years for C3 may appear low but it is subject to a guilty plea discount as compared with the other contact sexual offences).
- Count 7** (Sexual Touching) (C4) – 21 months, consecutive.
- Count 8** (Sexual Touching) (C4) – 21 months, concurrent.

Total sentence for the contact offences – **11 years and 5 months.**

### **Indictment 2**

#### **Indecent Images**

- Count 1** – 3 years, consecutive to the Indictment 1 sentences.
- Count 2** - 1½ years, concurrent.
- Count 3** - 3 years, concurrent.
- Count 4** - 1½ years, concurrent.

Total sentence for the Indecent Images – **3 years,** consecutive to the Indictment 1 sentences.

#### **Indecent Messages**

- Count 5** – 1 year, consecutive to the Indictment 1 sentences in Count 1.
- Count 6** – 1 year, concurrent.
- Count 7** – 1 year, concurrent.
- Counts 8 & 9** – 9 months, concurrent (reflecting the Defendant’s younger age).
- Count 10** – 1 year, concurrent.

Total sentence for the Indecent Messages – **1 year,** consecutive to the Indictment 1 sentences.

**Total sentence - 15 years, 5 months’ Youth Detention with effect from 7 March 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. The messages are not relevant offences. This has two elements, the Custodial Terms are Rape (Counts 1 and 2) – 7 years, 2 months; Sexual Assault (Count 3) – 6 months; Sexual Touching (Counts 4 to 6) – 2 years, altogether and Sexual Touching (Counts 7 to 8) – 21 months, altogether.

Each of those will be followed by an extension period after your release which will be concurrent, throughout which you will be subject to an Extended Sentence Licence. The extension period shall be for the period recommended of 5 years, thereby enabling completion of the work begun whilst you are in Youth Detention 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 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) 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, adopting guidance from the English caselaw considers necessary, not oppressive, proportionate and capable of being understood and sensibly enforced.

1. not to have any unsupervised contact with any children under the age of 16 without the prior approval of your supervising officer except where that contact is inadvertent and not reasonably avoidable in the course of lawfully daily life;
2. not to possess or use a computer or other electronic device capable of accessing the internet or have access to instant messaging services or any other on-line message board or forum or community, without the prior permission of your supervising officer;
3. not to delete the usage history on any internet enabled device or computer used and to allow such items to be inspected as required by the police or your supervising officer. Such inspection may include removal of the device for inspection and installing of monitoring software;
4. to allow your supervising officer (or any other person or persons nominated by your supervising officer) to examine any such computer or electronic device and to identify when asked if any such devices are in your possession, under your control or present in your home address; and
5. to comply with any requirements specified by your supervising officer for the purpose of ensuring that you address your sexual offending behaviour problems.

### **Forfeiture**

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 items listed by Advocate Cobb, two iPhone 11 and one iPhone XS and one iPhone 6s valued at £75, £40 and £25, respectively, which relate to the offending is also granted, the Court having considered the likely effects on you of forfeiture.

### **Notification**

Having been convicted of numerous relevant offences under 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, first on 30 October 2024 and at different other dates when you have entered guilty pleas or been found guilty.

We follow the recommendations of the Probation officer that the Notification period should be 10 years. In view of the differing dates for conviction in order to simplify matters, we set the end date as 10 years after the date of the trial convictions of 18 March 2025 which makes the Notification end date 17 March 2035.

This period is a precaution against any risk you may pose and can be further extended. You will be given a written notice setting out all the requirements of being a notifier, but in summary they are:

- within 24 hours of your release (if not already provided) you must provide the police with your personal details as set out on the notice you will be given;
- 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, even if there is no change in these details and I recommend that you take 30 October 2024 as that date; and
- after your release you must notify the Police at least 7 days in advance of any plans to travel abroad but you will be subject to the Extended Sentence Licence, so travel abroad would have to be approved by your supervising officer.

We wish to commend the police for this long, thorough and arduous investigation and all the young people who came forward. We wish to thank the Appropriate Adult for sitting through the trial and preliminary applications and performing the role of Appropriate Adult. Appropriate Adults provide an invaluable service to this Court. We are grateful, as always, to the Witness Service but we do, particularly, express our gratitude today because of the large number of witnesses who had to be managed.

Mr Spruce, I now summarise what the total sentences are:

- **The total term of Youth Detention is 15 years and 5 months** from 7 March 2024.
- **Extended Sentence Licence** with the extension period being 5 years.
- **Notification** which expires on 17 March 2035.
- **Forfeiture** of the particular iPhones listed.

There is another application for forfeiture of other devices and we are going to adjourn to deal with that.

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

**21<sup>st</sup> May 2025**