

[2025]GRC047

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 any photograph likely to lead to the identification of 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.

**ROYAL COURT
FULL COURT**

2 June 2025

**Before: Catherine Maureen Fooks, Judge of the Royal Court and Jurats:
Claire Helen Le Pelley, Steven John Morris, Stuart Michael Crisp, Marilyn Jasmine King,
Tina Jane Le Poidevin, Paul Martin Burnard and Kay Parnwell.**

THE LAW OFFICERS OF THE CROWN

- v -

MICHAEL JOHN LE CRAS

**Advocate L C Roffey appeared for the Crown
Advocate S J Maindonald appeared for the Defendant**

JUDGE OF THE ROYAL COURT:

Background

Mr Le Cras, you have pleaded guilty to a single count of assault by penetration, contrary to Section 12 of The Sexual Offences (Bailiwick of Guernsey) Law, 2020, the maximum penalty for which is life imprisonment.

The facts are that on 2 August 2024, the victim was out with a couple (FF and MM) and you were out drinking with your partner. At some point in the evening, you also took an illegal drug Gabapentin. Your partner left and you joined the victim's group as the couple (but not the victim herself) were friends of yours. You all went to FF's house. It had been planned that the victim and her young daughter would stay the night there. The young daughter was settled in FF and MM's room and the plan was for the victim to sleep on a mattress in the lounge next door. It was not planned that you would stay over, but it was not unusual for you to do so. The intention was that you would sleep in the spare room.

The victim and FF went to bed leaving you and MM chatting in the spare room, where MM left you. You then went into the lounge and asked to sleep on the sofa, but MM told you to get back into the spare room. It is said that you knew that you were not allowed to sleep on the sofa. Probably between mid-night and 1 am, the victim woke up to find your fingers inside her vagina. She was surprised that she had not woken up sooner but she had drunk 6-7 ciders. The victim immediately got up and challenged you. You apologised and said that you would move to the sofa. The victim is then described by FF as having "*charged*" into their room (where her daughter was) "*crying uncontrollably, shaking,*

in panic mode and struggling to tell them what had happened.” The victim was physically sick from the shock. By the time MM got to the lounge, you had gone. The victim reported the assault to the Police the following day.

Before the offence was reported, you were seriously assaulted as retribution and we are told that you were signed off with stress as a result. You were interviewed concerning the offence and you exercised your right to silence. We have the Victim Impact Statement from the victim in which she describes, in clear terms, the deep impact on her day-to-day life, her feelings of guilt that her daughter was in the next room and could have been present, her feeling of being dirty and the issues which she has had and does have with sleep and socialising.

You are a 44 year old local man (aged 43 at the time of the offending) and you work in the building trade. You have previous convictions but none are relevant or recent. You have been on conditional bail throughout the proceedings.

Sentencing Considerations

An assault by penetration is a most serious offence. There are no specific guidelines in Guernsey for the sentencing of sexual offences generally. 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 aggravating and mitigating factors, for offences which are in similar terms to those committed. 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 and we have taken that approach in other cases here. We take a basic starting point of 4 years before considering aggravating and mitigating factors.

There are aggravating factors in your case:

1. the vulnerability of the victim: she was asleep and entitled to be safe and she was intoxicated and you took advantage of her.
2. you were under the influence of drink and illegal drugs to the extent that you cannot recall what happened.

We accept that there is an absence of significant pre-planning but, at the very least, you got up and went into the room where you committed the offence. We set the revised starting-point before consideration of plea and personal mitigation at 4 years and 6 months.

Mitigation

Plea

You indicated your guilty plea at committal and we afford you full credit, therefore, for that guilty plea.

Personal Mitigation

The Court has considered carefully the comprehensive Social Enquiry Report prepared in respect of you. We have also considered the well-crafted submissions of your Advocate. We have carefully considered all the materials provided for you.

It is to your credit that you have accepted responsibility for this offence and what the victim says happened, even though you cannot recall it yourself. You have expressed deep shame and remorse, remorse assessed by the Report Writer as genuine.

We note your unenviable childhood, your adverse childhood experiences, your disrupted education and some evidence of neurodivergence, though that neurodivergence is not considered to be of significant

relevance to the offending. We note your long-standing use of alcohol and illegal drugs. You are said to be a binge-drinker historically, but it is said that you have now drastically reduced your drinking and that your drug use is not sufficient to justify a referral to the Criminal Justice Substance Service. You are said to be motivated to address your use of alcohol and drugs.

You have no relevant previous convictions and there is a long gap since the offending in 2007; nonetheless you are not a person of previous good character in that sense. It is noted by the report writer that you are maturing and that you have been making changes.

You are in a stable relationship with your partner who has children, who are co-parented by her and their father, some of whom live in your household. It is not said that you being imprisoned would have such an impact on them as to be relevant to sentencing.

You have a good work ethic and are described by your employer of 13 years as skilled, reliable, dedicated, respected and an integral part of the team. It is unknown whether your job would remain open if you were imprisoned, but we consider that, were you to lose that job, you would be readily employable elsewhere. We note the impact of the proceedings on you and they are said to have had a salutary effect.

The preliminary assessment of the report writer is that you pose a low risk of harm to the public, a below-average risk of sexual offending and that any repeat offending is unlikely. Further assessment is required. You will be registered as a MAPPA subject.

Sentence

We have considered carefully the purposes of sentencing. This is a serious offence and we must not forget the importance of punishment and deterrence as well as rehabilitation of the offender and protection of the public. There is no doubt, of course, in this case that the custody threshold has been passed.

We have specifically taken into account the concerns of the report writer as to the impact on you of an immediate custodial sentence in terms of your own mental health and vulnerability, the possible loss of your job, the separation from your partner and other family members and a general concern at the loss of stability. Nevertheless, we have concluded that the offence is so serious that an alternative to immediate custody cannot be imposed. You have not opposed the making of the Extended Sentence Licence and we will be imposing that so that you have a controlled re-entry into the community.

Mr Le Cras, you are rightly ashamed and mortified at what you have done. Your victim will bear the psychological scars for the rest of her life. You bear responsibility for that and the impact on your partner and family of the consequences of your actions. Taking into account everything that has been said and written and applying the appropriate principles and discounts, the sentence will be one of **2 years' imprisonment with effect from today.**

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 Licence in relation to this offence. It has two elements: a custodial term (which I have already said will be 2 years) followed by an extension period after your release, throughout which you will be subject to an Extended Sentence Licence and the extension period shall be for the period recommended of 1 year. 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 Licence. You will be given the conditions in written form, but the standard conditions are as follows:

1. to be well behaved and not commit any offence and not 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 to notify him or her, in advance, of any proposed change;
6. not to travel outside Guernsey without the prior permission of your supervising officer which will be given in exceptional circumstances only; and
7. there is an additional condition to be added as recommended in the Social Enquiry Report, which the Court, adopting guidance from the English case law, considers necessary, not oppressive, proportionate and capable of being both understood and sensibly enforced, and that condition is to comply with any requirements specified by your supervising officer for the purposes of ensuring that you address your sexual offending behaviour problems.

Notification

Having been convicted of a relevant offence under The Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law 2013, you became subject to the Notification Requirements under Part 2 of that Law. We follow the recommendation of the Probation Officer that the notification period which we must now set, should be one of 5 years, which runs from the date of your guilty plea to the offence on 3 April 2025. 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:

- you should by now have provided the Police with your personal details as required by Law and explained to you when you were convicted on your guilty plea;
- 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 (3 April 2025), even if there has been no change in those details; and
- after your release, you must notify the Police at least 7 days in advance of any plans to travel abroad.

You will note that these conditions may appear to conflict with the conditions on the Extended Sentence Licence but it is the Extended Sentence Licence conditions which take priority. So for example, if you wanted to travel, you would have to have your supervising officer's permission.

Mr Le Cras, in summary, the sentence is as follows:

1. A total term of imprisonment of 2 years from today.
2. An Extended Sentence Licence of 1 year.

3. Notification of 5 years.

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

2 June 2025