

Sentencing remarks regarding attempting to facilitate child sex offences & making indecent images of children.

[2025]GRC059

**ROYAL COURT  
FULL COURT**

**25<sup>th</sup> June 2025**

**Before: John Russell Finch, O.B.E., Lieutenant Bailiff  
and Jurats: Steven John Morris, Stuart Michael Crisp,  
Marilyn Jasmine King, Tina Jane Le Poidevin, Paul Martin Burnard,  
Kay Parnwell and Sally-Ann David.**

**THE LAW OFFICERS OF THE CROWN**

- v -

**BENJAMIN SOLOWAN**

**Advocate P F Cobb appeared for the Crown  
Advocate O Fattorini appeared for the Defendant**

**LIEUTENANT BAILIFF:**

**Background**

You appear here today for sentence on an Indictment containing 12 counts.

Counts 1 to 6 are attempting to facilitate the commission of child sex offences: i.e. rape of a child under 13 and sexual touching of a child: maximum for these sentences, 14 years' imprisonment. Counts 7 to 12 are making indecent images of children. These were in 2024 and the maximum sentence for these offences is 10 years' imprisonment. All three categories A, B and C on the child abuse images database are covered. These are:

- A: images involving penetrative sexual activity with a child or sexual activity with a child and an animal or sadism;
- B: images involving non-penetrative sex activity with a child; and
- C: all other indecent images involving children.

You are, we are told, a Canadian and also hold British nationality, aged 39 when these offences were committed. You have previous convictions including possession of indecent images of children in Canada in 2012, for which you received 8 months' imprisonment and probation.

You were working remotely in Sark when arrested, dealing with computer software. You have been in custody since 16 December, 2024.

The facts are unusual and, in our experience, unprecedented. We will summarise each count as they were explained to us. Before doing so, it is necessary to recall that the Court and those present had

when hearing the facts to listen to a number of computer messages that were disgusting and disturbing in the extreme.

**Count 1** – intended sexual activity, rape of a child under 13. The child, as in the rest of these offences, did not exist, though you thought she did. Here the intended victim was actually a member of Law Enforcement, putting themselves forward as a 12-year-old girl. In the month there were communications: 87 pages of messages were generated, the majority by yourself. The content was sexually explicit throughout. You planned and embarked on a trip to the UK to see this purported child.

After your arrest for this, your Smartphone was analysed and the other five counts for this offence discovered. You used an app encrypted, often seen in criminality. You communicated with a person who lived in Belgium, username Armani. This was in fact an adult male who was not a vigilante, but had an interest in child sexual offences and who was gaining a deviant pleasure from his role.

**Count 2** – intended sexual activity, sexual touching of a child. The user used the name ‘Imarni’ and said she was 14. You booked flights to visit her in the UK and the conversations, as we heard, were very highly sexualised. You repeatedly expressed a wish to get this 14-year-old girl, as you thought, pregnant. You did not meet in England, she did not exist. You asked later what you should do with the clothes and vodka you had bought for her.

**Count 3** – intended sexual activity, rape of a child under 13. The fictional Armani purported to introduce you to a school friend, Ella, aged 12. Arrangements were made to meet this person on your UK visit. Various messages were sent, culminating in your suggestion that you would rape this girl forcibly “*I’m not going to be asking her*”. Again, we have had to listen to some of these very disturbing communications.

**Count 4** – intended sexual activity, rape of a child under 13. You were sent a photograph of a 9-year-old girl, asked where she lived and if he and the person calling himself Armani would have to take a trip to see her. More extremely unpleasant sexual messages were sent involving your intention to rape her. This was you stated “*going to be such a turn on babe*”.

**Count 5** – intended sexual activity, rape of a child under 13. The person calling herself Armani told you that “she” was chatting to a mother. The daughter was called Kiara and between 8 and 10. “Trading” Kiara for Ella (see Count 3) was discussed. You indicated in further messages that you wanted to take this girl’s virginity and you were going to be “*rough with her*”, and if the Mother could drug her, though, “*I prefer awake*”.

**Count 6** – intended sexual activity, rape of a child under 13. You had finally realised that Armani did not exist. At first it was claimed that the person messaging was a single mother who liked “seeing guys with my daughter”, then admitted that this person was indeed a male with a 9-year-old daughter. She was offered up for you saying that if you wanted her “*to know by the time I have done that her body and her mind belong to me*”. A very typical remark by a predatory paedophile; you intended penetration orally, vaginally and anally in further messaging.

Further messages were referred to by the Prosecution, including prostituting Ella. Sums of £100 for oral sex and full sex, £500 were mentioned and the possibility of using another young girl, purportedly aged 11, was discussed too, in detail.

Between 26 September 2024 and 12 December 2024 the messages received and sent come to 393 pages. Other items were revealed on the Internet in the search history, including reference to various young girls and, for example, “*Teen Manchester Escorts*”, etc.

Counts 7 to 12 all refer to indecent images of children on your smartphone. We have already mentioned the three-fold classification A, B and C, A being the worst:

- Count 7** – involved 50 images, Category A;
- Count 8** – involved 1 image, Category A;
- Count 9** – involved 45 images, Category B;
- Count 10** – involved 3 images, Category B;
- Count 11** – involved 233 images, Category C; and
- Count 12** – involved 33 images, Category C.

A separate device revealed what the Prosecution have told us is a large number of games with computer generated images of children in sexual scenarios; we are told not yet unlawful in this jurisdiction.

### **Sentencing Considerations**

Although, when considering the legal authorities, this particular type of case is not unfamiliar to the Courts of England, Wales and Scotland, it is fortunately rare in this jurisdiction. The English Sentencing Council Guidelines offer some really valuable assistance here, but as has been observed frequently, are not binding. The guidelines for the equivalent offence in England (Section 14 of the English Sexual Offences Act, 2003) state, in summary:

- (i) no sexual activity need take place for an offence to be committed (including instances where no child victim exists);
- (ii) in such cases the court should identify the category of harm on the basis of the sexual activity the offender intended;
- (iii) then a downward adjustment is made to reflect the fact that no harm resulted;
- (iv) this adjustment should be specific to the facts of the case. Where a child victim does not exist but for that fact the offender would have carried out the intended sexual activity, only a very small reduction will usually be appropriate; and
- (v) so where a child victim does not exist and but for that fact the offender would have carried out the offence, only, as stated, a very small reduction in the range would be appropriate. No additional reduction should be made for the fact that the offending is an attempt, as in the case today.

These points are consistent with important English cases, R v Privett [2020] EWCA Crim 557 and R v Reed and others [2021] EWCA Crim 572. Our approach today follows on from a similar, but although also unpleasant, not nearly as serious case as yours, The Law Officers of the Crown v Bellingham [2025] GRC 025, where the English Guidelines were also found helpful. We find them most helpful in our task today, as well.

In Counts 1 to 6 the intended activity was, apart from Count 2, the rape of a young person, involving force in various of the offences. Count 2 was pretty much near this, but the Prosecution have categorised the intended activity as sexual touching. There was an element of recruitment, especially when discussing prostituting Ella and another young girl for money; the young girl purportedly aged 11. We do, of course, have to bear in mind the totality principle when considering these 12 offences. Penetration was envisaged by you throughout, which is a serious consideration. There was a significant misplaced planning and also travel by you to commit offences which did not take place, as your intended prey did not exist. But the intent was there to a very high degree. Obviously, there would also be a very significant disparity in age with your intended victims and a commercial motivation in the attempted prostitution incident. With the number of offences, over 6 Counts, we also note a clear

element of sadism revealed in some of your communications. With the presence of considerable aggravating matters, and, above all, looking at our plainly and frequently expressed intent we aggravate the starting-point in view of all these considerable aggravating factors and we make the starting-point 12 years on those counts.

On Counts 7 to 12, we repeat that we bear in mind the totality principle and seek to follow the binding guidelines of the Court of Appeal in the leading case of The Law Officers v Wicks [2011] GLR 482, noting of course, that the classification of the types of indecent images of children is now slightly different. Noting the significant number of Class A images, we start at 3 years in total here.

We consider that there are two clearly defined groups of offences and it is appropriate to make the total sentences for each group consecutive to each other.

### **Mitigation**

Pleas of guilty must, as the Court of Appeal has emphasised, be taken into account as mitigation. However, where, as here the evidence was overwhelming and totally unanswerable the discount falls to be restricted appropriately. Nor can we treat you as of previous good character.

We have carefully noted the helpful Probation Report, as well as the submissions of your Advocate. One observation at paragraph 25 of the Report, is that in relation to serious harm you are currently assessed “*posing a high risk of sexual and emotional harm to underage girls*”. We note elsewhere in the Report you sought in some ways to minimise your culpability; we find this wholly typical of paedophile offenders, in our regrettably extensive experience.

It is never a Court’s role to cast around for mitigation when there is, in practical terms as here, very little indeed. This is, looking at it, we consider rationally and fairly, a case where there is, in effect, nothing much in your favour. You fully intended to carry out the most serious sexual assaults in what you thought were very young girls. We stress that on the English Guidelines, where the victims do not exist, only a very small reduction within the category range would normally be appropriate. We do this, plus a small reduction for the inevitable pleas on all the Counts in the Indictment and we note that we have your letter which have read and taken account of appropriately.

### **Sentence**

We need not add much more.

This is a case where, putting it bluntly, the Court has to confront real evil. Also, as we have tried to indicate there is very little to say in your favour, although we are very relieved that it was not possible for you to carry out your sexual intentions on young victims.

There must also be an element of deterrence for offending such as this, as well as a clear intention to protect young people who are at risk due to your perverted desires. Taking this into account and noting the extent and nature of your offending, commensurate sentences are necessary and proportionate.

The sentences are as follows:

**Counts 1 to 6**, on each Count – 10 years’ imprisonment concurrent. Total 10 years.

**Counts 7 to 12**, on each Count – 2 years’ imprisonment. Total 2 years but consecutive to the 10 years.

**Total – 12 years’ imprisonment**, with effect from 16 December 2024.

### **Extended Sentence**

The Probation Report recommends an Extended Sentence for a period of 5 years. We concur, for the reasons given, emphasising that this is the Court's decision and never a rubber-stamping exercise. We consider that the usual period of supervision 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. We do this in relation to all the Counts and the Extended Sentence is, therefore, one of 5 years, as recommended.

You have a custodial term of 12 years, followed by an extension period after your release throughout which you will be subject to an Extended Sentence Licence. The 5 years period will be concurrent.

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 to serve the 5-year period specified. There are a number of standard conditions; you will receive a piece of paper which sets them out and these standard conditions can be explained by your learned Advocate if you have any problem in understanding them.

The Probation Office has recommended the inclusion of three extra conditions. We have considered them in light of the facts of this case and deemed them proportionate and necessary to achieve the aims of these conditions. Again, we stress that this is our decision and we have applied our minds carefully to what was suggested. They are:

- (i) to comply with any requirement specified by your supervising officer for the purpose of ensuring that you address your sexual offending problems, including assessment and intervention under the NOTA programme, or suitable alternative, as directed;
- (ii) not to have contact with female children under the age of 16, without the prior approval of your supervising officer, except where that contact is inadvertent or not reasonably avoidable in the course of lawful daily life; and
- (iii) not to delete the usage history on any internet enabled device or computer used, without the permission of your supervising officer, and to allow such items to be inspected as required by the Police or your supervising officer. Such inspection may involve removal of the device for inspection.

### **Notification Requirement**

Having been convicted of relevant offences under The Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2013 you become subject to notification requirements.

The Probation Officer recommends a period of 10 years, we concur. This period can be further extended. Copies of written notices on this and, as I said, the Extended Sentence will be furnished to you. I will, however, summarise the standard notification requirement conditions from the notice, so that people are aware exactly what these Notifications involve.

- you must notify the Police within 24 hours (or within 24 hours of release if you are in prison) of your name, other names you use, your address, your date of birth, your social security number, your passport details, 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 live or 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 to those details; and
- you must notify the Police at least 7 days in advance of any plans to travel abroad.

These will last from the date you pleaded guilty, namely 3 April, 2025.

We forfeit the smartphone and the other devices named, as requested under the relevant legislation and/or the inherent power of the Court. We accept the Prosecution's logic here.

In conclusion:

- **the total sentence is 12 years' imprisonment with effect from 16 December, 2024;**
- **a 5-year Extended Sentence Licence after release; and**
- **a 10-year Notification period from 3 April 2025 when pleas of guilty were entered for all Counts.**

#### **Addendum – Hearing 26<sup>th</sup> June 2025**

The period of Extended Sentence was reviewed in respect of Counts 1 to 6 as the custodial period and the period of Extended Sentence would amount to 15 years, where the maximum sentence is 14 years.

The period remains in force for Counts 7 to 12 (indecent images) as the custodial period of 2 years, plus 5 years extension is below the 10-year maximum sentence.

Both counsel present and no objection made.

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

**25<sup>th</sup> June 2025**