

Assault by penetration committed in the victim's home, involving vulnerability and alcohol-fuelled offending, the offending crossed the custody threshold and warranted a substantial sentence.

Taking aggravating and mitigating factors into account, including early guilty plea and autism diagnosis, the Court imposed 2½ years' imprisonment and 5 years' notification requirements.

[2025]GRC104

**ROYAL COURT  
FULL COURT**

**14<sup>th</sup> October 2025**

**Before: Sir Richard James McMahon, Bailiff of Guernsey  
and Jurats: David James Mortimer, Marilyn Jasmine King, David John Robilliard, MBE,  
Heather Reed, Ian Michael Brown, Kay Alison Parnwell and Susan Elizabeth Gallienne**

**THE LAW OFFICERS OF THE CROWN**

- v -

**CALLUM FERBRACHE**

**Advocate L C Roffey appeared for the Crown  
Advocate S E Steel appeared for the Defendant**

**Background**

Callum Ferbrache, on 7 August this year you pleaded guilty to the single Count on the Indictment of assault by penetration, contrary to section 12 of the Sexual Offences (Bailiwick of Guernsey) Law, 2020. The maximum sentence for this Count is life imprisonment.

As we have heard this afternoon, the offence was committed in the early hours of 15 June this year. You had consumed a large amount of alcohol throughout the previous day. When your victim returned to her home after a trip to the hospital with someone else, when standing close to her you put your hand down the front of her jeans and put two fingers inside her vagina. She punched you, causing you to recoil and rapidly pull your fingers out, which caused injury to her. We have heard that your victim suffered epileptic seizures, and we have considered her victim impact statement, and the Court was also told some facts surrounding this offence, but it is that assault on which we have to concentrate.

You are a single man, now aged 29, although this offence was committed when you were 28. You have been on conditional bail during these proceedings. Whilst we have heard about your previous convictions, they do not relate to sexual offending, although we note that you were sentenced to 9 months' imprisonment by the Magistrate's Court in 2018 for dangerous driving.

**Sentencing Considerations**

As has been said before by this Court, assault by penetration is a most serious offence. Whilst there are no specific guidelines in the Bailiwick for the sentencing of sexual offences, we consider that having regard to the English Sentencing Guidelines is appropriate, but reflecting that we are entitled to take into account the special circumstances that apply in Guernsey. In particular, we find the consideration of aggravating and mitigating factors in those Guidelines informative.

As has also been stated, the section 12 offence carries life imprisonment. It is treated only marginally less seriously than rape. Given that the place of offending was the victim's own home, where she was

entitled to feel safe, we can regard this as being in breach of trust. Accordingly, as has been noted in previous cases, we are satisfied that your offending crosses the custody threshold and we take a starting point of 4 years before turning to any aggravating or mitigating factors.

The first aggravating factor present is that you had consumed an excessive amount of alcohol. This may affect your recollection of events, but it is a factor that we consider makes your offending worse, whilst at the same time also demonstrating the absence of pre-planning.

We also consider that your victim was a vulnerable person, as she has explained in her victim impact statement, and have taken note of the timing of the offence.

We take the view that these factors justify the Court adjusting the starting point upwards to become 5 years.

### **Mitigation**

In respect of the mitigation available to you, we have had regard to everything that has been said about you and on your behalf by Advocate Steel and the Court has also taken into account what is written about you in the Probation Report. In doing so, we note the assessment that there is a medium likelihood of general re-offending, coupled with a low risk of sexual re-offending, albeit that it appears to depend on you remaining alcohol-free. You are assessed as posing a risk of harm to others because of your impulsive and anti-social behaviours.

The Court appreciates that you entered your guilty plea at the first opportunity. You will, therefore, be entitled to a discount of one-third in respect of that plea.

You do not have relevant convictions for comparable offending, but we are aware that you have been sentenced to imprisonment before. We recognise that you are ashamed about your behaviour and have expressed remorse at what you did that night and we further understand that you have now realised, no doubt as a result of committing this offence, that you should give up consuming alcohol. Your offending has led to you being suspended from the work that for a number of years you appear to have enjoyed.

We have read the letter from your parents, and recognise you are fortunate to have a supportive family, and have paid particular attention to the report prepared by Mr Forrester dated 30 September 2025. Your long-standing diagnosis of autism from early childhood and the effect this has on you are explained in his report. It is suggested that your excessive use of alcohol may have been a form of self-medication and refers also to what seems to be a firm commitment from you to cease the use of alcohol completely. Mr Forrester considers that if you were to be imprisoned for any length of time, you will need close monitoring. We have taken all of this into account, as well as the fact that you have a moderate learning disability.

### **Sentence**

Mr Ferbrache, this Court has to have regard to the seriousness of the offence and the need to provide some form of deterrence for others who might commit this type of offence. We have considered carefully what your victim describes in her recent victim impact statement. It is apparent, in particular, that the offence you committed against her has adversely impacted her mental health, and that it has had an emotional and physical impact on her, none of which we find at all surprising.

We have borne in mind the effect of imprisonment on you, but we are satisfied that only an immediate custodial sentence can properly be imposed. Accordingly, for the one Count a sentence of 2½ years' imprisonment is imposed, which has effect from today.

In accordance with section 1 of the Criminal Justice (Supervision of Offenders) (Bailiwick of Guernsey) Law, 2004, upon release (or completion of any parole period if applicable), you will be subject to supervision by the Probation Service for a period equal to one quarter of the total sentence or the period

you would have served had you not received remission, whichever is less. If you fail to comply with the conditions of the supervision, you will be liable to further imprisonment, a fine, or both.

As was made clear to you when you entered your plea on 7 August, you have been convicted of a relevant offence under the Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2013, meaning that you became subject thereafter to the notification requirements under Part 2 of that Law. Our task today is to fix a minimum period for you having to notify. We are prepared to accept the recommendation in the Probation Report that a period of five years should be fixed, running from the date of your plea. Whilst you will be given a notice in writing setting out the requirements, in summary these requirements are:

- You will already have provided the Police with your personal details, as explained when you entered your pleas.
- Within 24 hours of your release from prison, (if these have not already been updated previously), you must notify the Police of your new personal details, and may be required to provide any samples required.
- Thereafter, you must notify the Police of any change of name or address, at least 24 hours in advance of the change occurring, or within 24 hours if you had no prior knowledge of that change.
- You must also 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.
- You must notify the Police at least 7 days in advance of any plans to travel abroad.

In summary, therefore, Mr Ferbrache, the sentences imposed on you today are that you are imprisoned for 2½ years running from today, plus a notification requirement for 5 years running from 7 August 2025.

**Sir Richard James McMahon**  
**Bailiff of Guernsey**

**14<sup>th</sup> October 2025**