

Defendant convicted of sexual assault after trial; despite seriousness and usual presumption of immediate custody, exceptional personal mitigation supported a 240-hour Community Service Order. Five-year Notification Period imposed under the 2013 Law.

[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 respective 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.]

[2026]GRC003

ROYAL COURT

FULL COURT

5 January 2026

Before: Catherine Maureen Fooks, Judge of the Royal Court

and Jurats:

**Claire Helen Le Pelley, Steven John Morris, Stuart Michael Crisp,
Simon Ernest Bodkin, Richard Jeremy Wallen James, Kay Parnwell, Sally-Ann David and
Susan Elizabeth Gallienne.**

THE LAW OFFICERS OF THE CROWN

- v -

James BISCHOFF

Crown Advocate F M Russell appeared for the Crown

Advocate S E Steel appeared for the Defendant

JUDGE OF THE ROYAL COURT:

Background

Mr Bischoff you are here to be sentenced on an Indictment containing one count of sexual touching (sexual assault), of your Victim at Follies on the 13 July 2024, contrary to section 13 of The Sexual Offences (Bailiwick of Guernsey) Law, 2020, the maximum penalty for which is 10 years' imprisonment.

The facts are that the Victim and yourself were not previously known to one another. You were both on a night out. You had met your Victim by chance earlier in the evening with her friend in a bar, and you then met again at Follies. You and they were standing at the bar dancing. You put your arms

around each of the young women and the dancing continued. You then moved your arm down the side of the Victim's body to her waist and from there, you put your hand under her trousers and onto the bare skin of her pubic area. The Victim was shocked and upset and, after speaking with others, left the bar. The Court saw the CCTV from Follies.

At interview, you exercised your right to silence. You elected trial by this Court at which you gave evidence, denying that you had touched the Victim's pubic area. You were found guilty by a majority.

The Court also heard evidence from your Victim at trial, and has her Victim Impact Statement, in which she articulates powerfully the negative impact on her emotionally and physically. The offence has caused her to be anxious and isolated and she had to delay the taking of professional exams so her career has been affected. She described the lasting effect on her sense of safety, stability and wellbeing.

You are a 23 year old non-local man; you were 22 at the time of the offending. You are a graduate and you were working in Guernsey at the time alongside qualifying as an accountant. You have no previous convictions. You have been on conditional bail throughout the proceedings and we note that you have abided by your bail conditions, including returning to the Island for sentence.

Sentencing Considerations

There are no specific guidelines for the sentencing of sexual touching offences in Guernsey, so we have, as usual, looked at the English Sentencing Guidelines, particularly with reference to the criteria and aggravating and mitigating factors. As always, ultimately, we sentence on Guernsey principles and considerations reflecting the conditions locally.

We set the initial starting point, before considering aggravating and mitigating factors at 21 months.

There are aggravating factors in your case:

- the touching of an intimate area; and
- that you were under the influence of alcohol.

We therefore set a revised starting point before consideration of plea and personal mitigation at 24 months.

Mitigation

Plea

You are not entitled to any discount for plea, but you will not be penalised for entering a not guilty plea, even though you required your Victim to give evidence.

Personal Mitigation

The Court has considered carefully the thoughtful Social Enquiry Report prepared in respect of you. We have also listened to the generally focussed and well-crafted submissions of your Advocate.

We have carefully considered the supportive letter from your employer and your letter to the Court. Although you maintain your innocence, you show the ability to reflect on your alcohol consumption and the impact of your behaviour in terms of touching others and are able to express a sense of shame.

You are also able to understand the focus of the impact on the Victim. You are a person with no previous convictions which is an important piece of mitigation. Further, the Court has reminded itself of the strong character evidence given about you at the trial. That evidence describes a young man very much in contrast to the young man whom you rightly describe as behaving 'ladishly' on that night.

You are still a young man. You were 22 when the offending took place; you are not yet fully mature; matters which we take into account. You had worked hard to gain your academic qualifications and you have likely lost your career as a direct consequence of the offending. It is impressive that, when faced with the shattered dreams of your career as an accountant, you have immediately secured an

alternative job, to which you have applied yourself well and that you want to focus on an alternative career pathway.

It is an important piece of mitigation in your favour that you have taken steps to reduce alcohol consumption and to alter your behaviour. You have the benefit of a good support network.

The experienced Probation Officer's assessment is that you do not display any concerning attitudes, nor do you require any interventions for alcohol use or otherwise. It appears that you lead a pro-social life and had, as your Advocate put it, a pro-social trajectory.

You are assessed as having a very low likelihood of general reoffending; your risk of sexual reoffending is assessed as moderate, and your risk of causing serious harm is assessed as medium. The report writer expects these risks to diminish over time as you mature. The report writer does not consider any orders to manage risk necessary in your case.

Sentence

There has been an increase in the number of cases of this sort of sexual crime coming before the Courts of this Island which is a worrying and unwelcome development. The young people of Guernsey should be free to go out and have fun without fear of being assaulted in this way. It has been the policy of the Magistrate's Court for some time, consistently upheld by this Court, that such offending crosses the custody threshold and ordinarily should result in an immediate custodial sentence. A custodial sentence is called for in all such cases to mark the seriousness of such offending and to deter others.

The question for this Court today, is whether an alternative to immediate custody is appropriate in your case. Exceptionally, we are persuaded that it is appropriate to impose an alternative. We are satisfied that the public can be protected from further offending by you and that you would be best rehabilitated by building on the exceptional steps that you have taken since conviction to recognise and address your poor behaviour and, in view of the very strong mitigation in your case, in terms of your previous good character, your youth and the impact already on you of the offending.

In those circumstances, and I stress, exceptionally, we will impose a non-custodial alternative in the form of a Community Service Order and we will impose the maximum number of hours to mark the seriousness of this offending. Those hours will be as a direct alternative to a term of imprisonment of 1 year.

You are being offered the opportunity to make a positive contribution to the community through unpaid work. We note that you are suitable to undertake such work and that you can undertake it in England and be supervised there, and we emphasise that any breach of the Order could result in your return to Guernsey to face the consequences.

We believe that you understand the nature and effect of the Community Service Order, the power of the Court to review the Order and the consequences that may follow if you fail to comply with any of the requirements of the Order, or if you are convicted of a further offence while the Order is in force. Please note that, if you fail to complete even one hour of the Order, without a medical certificate, or if you commit any other offence, you will be brought back before this Court and you will face going into Prison.

You are a young man who had a successful professional career ahead of you, which you have likely thrown away through a moment of drunken and inappropriate behaviour. This has been, and will continue to be, a salutary lesson to you, as it should be to all young men. Whatever changes your offending has brought to your life, they pale into insignificance when compared with the long-lasting psychological and emotional impact on your Victim. She will never be the same again and you have to carry that responsibility. You are still a young man; you are intelligent and capable and you have shown that you have the capacity to reflect and make the necessary changes to your behaviour to ensure that this is your first and last appearance in this Court, or any court.

Taking into account everything that has been said and the written materials, and applying the appropriate discounts and principles, the sentence is one of **240 hours Community Service**, as a direct alternative to one year's immediate custody.

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 and we must now set the Notification Period in respect of you.

We follow the recommendation of the Probation Officer, that the Notification Period should be 5 years, which runs from the date of your conviction which is 14 November 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.
- 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 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 (which as I have said, is the 14 November 2025), even if there is no change to these details.
- You must notify the Police at least 7 days in advance of any plans to travel abroad.

I repeat that the sentence is as follows:

- **Community Service Order of 240 hours**, as a direct alternative to 1 year's immediate custody.
- **Notification Period** is set at **5 years**.

Catherine Maureen Fooks
Judge of the Royal Court

5 January 2026