

ROYAL COURT
(Poursuites Criminelles)

17th March, 1989

Before: The Deputy Bailiff and
Jurats Vint and Le Ruez

Her Majesty's Attorney General

- v -

Peter Barrie Aubert

Sentence, following guilty plea to
Indecent Assault; Gross Indecency.

Advocate C.E. Whelan for the Crown
Advocate D.F. Le Quesne for the accused.

JUDGMENT

DEPUTY BAILIFF: In the unanimous opinion of this Court, a prison sentence is inevitable. The Court regards the pattern of behaviour in this case as very grave indeed. Although Mr. Le Quesne has done his very best for you, Aubert, the Court's concern has not been whether to reduce the sentence asked for, but whether to increase it and indeed we have decided to do so.

The particular Jersey cases put before us today do not stand alone and they depend on their particular facts. This Court does not accept that the English cases of R. -v- Norman John Vinson (1981) 3 Cr. App. R. 315, and R.

-v- Frederick William Smith (1986) 8 Cr. App. R. 325, should be regarded as 'bench mark' cases. They were a departure in the wrong direction which has largely been corrected by the case of R. -v- Bernard William Hessey (1987) 9 Cr. App. R. 268.

In the present case the Court places particular emphasis on the fact that the offences started when the girl was nine years of age, when she could not possibly be sexually precocious. Therefore you, Aubert, were the instigator. If, later, she became precocious, and became the instigator, then it was because of your original wrongdoing. Furthermore, the offences lasted for a very long time.

The learned Jurats are unanimous that the proper sentence, taking everything into account, after considering all the cases both Jersey and English and to mark the revolting nature of the offences and the revulsion by society of this kind of behaviour where there is a gross abuse of trust, is one of two years' imprisonment. You are sentenced on each of the two counts to two years' imprisonment to run concurrently, making a total of two years' imprisonment.

Authorities

D.A. Thomas: Principles of Sentencing (2nd edition) at p.p. 14-17, 50,
128 - 130, 214, 218

Current Sentencing Practice: p.p. 2231 - 2240.

R. -v- Norman John Vinson (1981) 3 Cr. App. R. 315.

R. -v- Frederick William Smith (1986) 8 Cr. App. R. 325.

R. -v- Bernard William Hessey (1987) 9 Cr. App. R. 268.

R. -v- F.W. Smith (1986) 8 Cr. App. R. (S).

R. -v- G.J. Gibbons (1988) 9 Cr. App. R. (S).

R. -v- J.T. Long - (1980) Crim. L.R. 315.

A.G. -v- J.N. Mutter J.J. 22nd June, 1987 - as yet unreported.

A.G. -v- C. d'Avoine J.J. 6th June, 1986.