

ROYAL COURT  
(Samedi Division)

11th July, 1997

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Before: Mrs. J.G.B. Myles, Lieutenant Bailiff, and  
Jurats Le Ruez and Jones.

The Attorney General

- v -

Andrew Malcolm Godfray.

1 count of sexual intercourse with a girl under 16 years of age, contrary to Article 4(1) of the Loi (1895) modifiant le droit criminel.

Plea: Guilty.

Age: 26.

Details of Offence:

On 28th December, 1996, at premises in Grouville, the defendant had unlawful sexual intercourse with Miss X, a girl under 16. Miss X, aged 14, had baby-sat for Godfray and his wife on numerous occasions.

Details of Mitigation:

A consensual act. Difficult emotional time in his marriage.

Previous Convictions:

Larceny of cheques and cash valued at £2,860.00 in 1991. Motoring offences in 1992. Possession of cannabis in 1994.

Conclusions: 15 months' imprisonment.

Sentence and Observations of the Court:

Conclusions granted. There were no exceptional circumstances which took the case outside the parameters of Clarke. No excuse for the actions.

J.G.P. Wheeler, Esq., Crown Advocate.  
Advocate P.S. Landick for the accused.

JUDGMENT

**THE LIEUTENANT BAILIFF:** All of the authorities given to us today indicate that a prison sentence is normally imposed for cases of this nature. The Court must ask itself, and has done so, whether there are any exceptional circumstances which would allow it to

depart from this course of action. We cannot find any such circumstances. Godfray is 26 years old and well knew that

Miss X, was only fourteen, a fact he freely admitted.

5 We feel that this case falls within the parameters of the  
case of A.G. -v- Clarke (9th September, 1994) Jersey Unreported.  
It is obvious to us that Godfray had considerable marital troubles  
and found the sympathy of Miss X helpful. On the day in which the  
10 offence took place Godfray had been drinking and his wife was out  
when Miss X arrived. Nevertheless, this is no excuse for the  
actions that followed, even if, as counsel for the defence has  
intimated, there was any sort of apparent consent. Young girls  
must be protected from themselves.

15 Godfray, stand up, please. Despite all the glowing  
references given to us by your counsel, this Court has unanimously  
decided that on the charge you face today you are sentenced to  
fifteen months' imprisonment.

Authorities.

A.G. -v- Clarke (9th September, 1994) Jersey Unreported.

A.G. -v- Hughes (9th October, 1989) Jersey Unreported.

Forsyth (1987) 9 Cr.App.R.(S) 126.