

IN THE SUPREME COURT, FALKLAND ISLANDS

R v Matthew John Newton: Chief Justice's Sentencing Remarks

The Sexual Offences Ordinance 2005 brought into force in these Islands the Sexual Offences Act 2003, which tightened up the law relating to sexual offences, including sexual activity with children. In order to protect them when they are emotionally and physically immature, the law made the male responsible for under age sex, and imposed heavy punishments. That is something you appreciated as, when interviewed, you asserted that the reason you would not have had sex with girls under 16 was because they were not mentally, emotionally or physically able to deal with it, and it would result in, as you put it, not a slap on the wrist but jail time. Despite that you had sexual activity, namely full sexual intercourse, with three different children, and in relation to one on several occasions, whose identities I have ordered should not be published. At the time of the offences they were aged 15, 14 and 13, when you were aged 18, 20 and 22 respectively. Therefore you were 3, 6 and 9 years older than the complainants, and you knew that because you had met them when an instructor at the marine cadets. Two of the girls were virgins, and all were vulnerable to the flattering attentions of an older male and you took advantage of that.

These are serious offences and I am satisfied that no sentence other than of immediate imprisonment is appropriate, and I hope that other young men who are tempted to have underage sex will heed that.

In determining the appropriate sentence I have regard to the UK guidelines and I take into account that in the UK release is after having served one half of the sentence, whereas here release is after serving two thirds, although here on release prisoners are not subject to the same supervision on licence. I consider that you continue to constitute a risk, and I make a Sexual Offences Prevention Order preventing you until further order, from:

1. Approaching, seeking to approach by whatever means, directly or indirectly, whether by yourself or through an agent, the females named in the Order
2. Having any unsupervised contact with any child, except in the presence of and with the consent of the child's parent or guardian or other

appropriate adult (save for any inadvertent or unavoidable contact with a child, or contact with your own children).

I give you credit for your pleas of guilty, which have spared these girls from having to give evidence, that you took precautions and used no force, that you have no previous convictions of a sexual nature. I also take into account the contents of the written references which I have read. In effect it is said that you have now matured, and with the increased responsibilities of marriage and impending parenthood, you will continue to do so. I hope that will be the case, and that you will fulfill those responsibilities. I also take into account the submissions of your counsel, who has said everything that could be said on your behalf. Taking all these matters into account I impose the following sentences:

Count 1, where the child was aged 15, 18 months imprisonment

Count 4, where the child was aged 14, 2 years imprisonment

Count 7, where the child was aged 13, 3 years imprisonment

All these sentences will run concurrently, making a total of 3 years imprisonment, which, taking into account all the circumstances, I am satisfied is proportionate to your offending behaviour and properly balanced.

January 2011