



**MAGISTRATE'S COURT**

**FALKLAND ISLANDS**

MC/CRIM/52/12

R

V

DAVID REGINALD THOMAS

**Sentence**

1. You have been convicted by me of 4 offences. Three of sexual assault on a child under 13 years, one of sexual grooming of a girl.
2. Your victim was (and is) 10 years old. She was, in so far as you both were concerned, your niece. Your sexual offending against her was an *appalling abuse of trust* both in relation to her, and in relation to the whole family.
3. Your grooming began several months before you started to assault her. In my judgment you realised your victim had a strong and genuine affection for you and you used that to your advantage. Over a period of more than 6 months, beginning in December 2011, you prepared your victim so that she would be accepting of your abuse of her. You bought her gifts, whatever she wanted, and you used the telephone to prolong and extend your manipulative contact with her.
4. In my judgment your grooming was sophisticated and determined. Moreover, it was successful, and not only were you able to abuse your victim, but your grooming of her, I have no doubt, contributed substantially to her initial inability to tell the police what had happened.
5. The sexual assault began in Mid-June 2012 and went on for almost 2 months. You visited the family home every weekend and there are 8 weekends during that period when you could have, and in my judgment did, sexually assault your victim. The *only* reason the offending ended was because another child articulated her concerns about what she had heard one night and adults were told. Your victim was, as a result, swiftly taken out of your reach.
6. The consequences for your victim and her family have been dramatic and, I do not doubt, devastating. This has involved moving a considerable distance and changing schools. I recognize that your victim is quite a remarkable little girl, with a deal of resilience, but she is 10, vulnerable, and I have no doubt that the impact of this offending on her will have been considerable.
7. Both counsel for the Prosecution and Defence have addressed me in relation to the Guidelines produced by the Sentencing Council of England and Wales. Both counsel agree that I should refer to the Guidelines in coming to my decision about sentence.

8. I have considered the Guidelines. They, in relation to both types of offences, indicate a starting point of 2 years and a sentencing range of 1-4 years. Those starting points and ranges follow for a man of good character sentenced after a trial and, in relation to the sexual assaults, are for *one* offence rather than the many as here.
9. You are not a man of good character. You have a relevant conviction for unlawful sexual intercourse with a girl under 16 years albeit a long time ago in 1994 when you were 19. You had sexual intercourse with a girl aged 15 and fathered a child with her. Your sentence then was 2 months imprisonment.
10. I take into account matters raised in mitigation on your behalf: you have lost your job: you have little family or friends in The Falkland Islands who will visit you during any period in custody; your previous offence was a long time ago; and the offending, although very serious, could have been more serious. You are a 39 year old man who faces for the first time a long prison sentence and you will serve 2/3rds of any sentence imposed.
11. There is only one sentence in this case, as defence counsel sensibly conceded. That is custody.
12. I bear in mind totality principles. I consider the appropriate course is to make concurrent sentences for the offences, but treat the sexual grooming offence as a significant aggravating feature of the sexual assault offences (rather than making a consecutive sentence) so lengthening the sentence in relation to those 3 charges. I consider the sexual assault charges to be at the top end of the sentencing bracket contained within the Guidelines, which I note, *makes no account for the significant abuse of trust*. I will also make concurrent sentences in relation to the sexual assault offences rather than consecutive. In the circumstances the least sentence I can impose is as follows.
13. For each sexual assault charge the sentence is 6 years concurrent to one another.
14. For the offence contrary to section 15 of the Sexual Offences Act 2003 the sentence is 2 years concurrent.
15. Total sentence is 6 years.
16. A Sexual Offences Prevention Order under the Sexual Offences Ordinance of 2005 is made. to last indefinitely.
17. Sex Offender Notification Requirement applies indefinitely.

Amanda Rippon  
Locum Senior Magistrate  
16<sup>th</sup> January 2013