

ROYAL COURT  
(Superior Number)

9th October, 1989

Before: The Bailiff and  
Jurats Vint, Le Boutillier,  
Orchard, Gruchy and Le Ruez

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The Attorney General

- v -

Leslie Francis Hughes

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Sentencing, following guilty  
plea and remand to Superior Number  
for sentence on indecent assault  
(3 counts); procuring act of  
gross indecency; and unlawful  
sexual intercourse.

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C.E. Whelan, Esq., Crown Advocate  
Advocate D.E. Le Cornu for the accused.

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**JUDGMENT**

THE BAILIFF: The difficulty which faces the Court in this matter of course is the usual difficulty of whether there should be an exception to a principle, <sup>and</sup> if so, ~~and~~ whether the exception should apply in this case. There is not the slightest doubt in the Court's mind, it was unanimous on this point, that

offences of this nature by persons in a position of trust should normally carry with them a custodial sentence.

Mr. Le Cornu, you have said everything you possibly can on behalf of your client and we have taken all those matters very carefully into consideration and of course we have read the papers which were submitted to us, including the letter from his wife and of course the report of Dr. Wilkins.

Nevertheless, in spite of the age of your client we feel that it would be wrong of us to make a departure from the principle which we think is the right principle that offences of this nature, particularly carried out by people in a position of trust, should carry with them a sentence of imprisonment. We are conscious of course of the age of your client; we are conscious of course of the fact that his wife blames herself in some respect for the position he was in. But having said all that we are satisfied that your client knew full well that he was in a position of trust. He was expected to give effect to the policies of the Education Committee and it is not perhaps putting it too strongly to say, as Mr. Whelan did, that he changed a home of sanctuary into a place of iniquity, because these children had nowhere else to go. Looking at the question and answer interview with the police on page 50 of the Court bundle, it is clear that he knew that there could be a mental effect on these children; of course he was ill-equipped to deal with these matters, but he knew the histories of each child. Therefore there was in fact an even grosser breach of trust. We realise from the individual point of view that perhaps the sentence which we are going to impose will have little effect on your client, but nevertheless we want to make it clear that unless there are exceptional circumstances - and we do not think there are in this case - a prison sentence will be imposed.

Having regard to the age of your client and to your submissions, Mr. Le Cornu, we feel able to make a slight reduction in the conclusions. Therefore, Hughes, you are sentenced on count 1 to eighteen months' imprisonment; count 2 to eighteen months' imprisonment; count 3 to eighteen months' imprisonment, concurrent with each other; on counts 4 and 5 to eighteen months' imprisonment concurrent with each other, but consecutive to the sentences imposed on counts 1, 2 and 3, making a total of three years' imprisonment.

## Authorities

Thomas: Principles of Sentencing (2nd edn.) p.p. 14-17; pp 128-130.

Thomas: Current Sentencing Practice pp 2231-2240.

R. -v- Lloyd (1987) Cr. App. R. (S) 254.

Attorney General -v- Aubert (17th March, 1989) Jersey Unreported.

Loi (1895) modifiant le Droit Criminel: Article 4.

R. -v- Taylor (1977) 1 WLR 612.

A.G. -v- Mutter (22nd June, 1987) Jersey Unreported.