

**Southwark Crown Court**

**REGINA**

**-V-**

**DAVID PATRICK GRIFFIN**

**(a.k.a. DAVE LEE TRAVIS)**

**SENTENCING REMARKS**

1. You have been convicted of, and I sentence you for, one offence of indecent assault.
2. The assault took place on 16<sup>th</sup> January 1995. The woman you assaulted was 22 years old and 4' 11" in height. She worked on the Mrs Merton Show; it was her first real job since University. You were in your late 40's, an experienced presenter and DJ, and still a very well known media personality not only as perceived by the public but also through your own eyes, and, at over 6' tall you towered over her.
3. You saw her smoking in the dressing room corridor. You went over to her and said "Oh X you shouldn't be smoking, think about your poor little lungs." I have no doubt that you used this as an excuse to get close to her and to touch her. You pinned her up against the wall and started to touch her rib cage and then slid your hands up over her breasts and her clothes, and started squeezing them. You left your hands there for several seconds.
4. She said it felt shocking. She could not believe what was happening. She told the court that she had done nothing to encourage your attention and suddenly there you were, touching her really hard in what she described as a squeezing grope as you stared intensely at her breasts.

5. She said that, with you looming over her, she felt scared and when she got away she was shaking and a bit beside herself. She described her feeling of being violated.
6. For years she did not talk about it. Having thought at first that this was all part of showbiz, when she got into her 30's she started to think that what you did was really out of order and she became angry. It was after that she used it as a humorous anecdote in her shows, the humour arising from the way she reacted to what you did.
7. In her victim impact statement she describes herself as a naïve and trusting 22 year old. She was subjected to an unprovoked and terrifying assault and considers herself lucky to be psychologically robust enough to deal with the distress, supported by family and friends. Using humour has been for her a defence mechanism. Giving evidence about these events has been painful for her.
8. When you gave evidence you described what she was alleging took place as “a nasty thing to do”. You are right in your assessment: it was a nasty thing to do but it was more than that. It was an intentional and unpleasant sexual assault. You took advantage of a young woman in a vulnerable position whose job it was to look after you that day.
9. I judge that you believed she would not make a fuss about what you did to her. You were right about that, too. She made no complaint until she heard you describe the witnesses in your previous trial as “liars”. That encouraged her to come forward.
10. You have been convicted of indecent assault under an Act passed in 1956. The maximum sentence for these offences was set at two years imprisonment.

11. In deciding the appropriate sentence I have taken into account the guidance provided in the relevant authorities and the assistance given at p.155 of the latest Definitive Guidelines. I am required to have regard to the sentencing guidelines as they now are for an equivalent offence under the Sexual Offences Act 2003.
12. Following those guidelines, which came into effect in April 2014, the prosecution accepts, rightly, that this offending falls into the lowest category, that is category 3(b), with a recommended starting point of a high level community order and a category range from a medium level community order up to 26 weeks imprisonment. It follows that the difference in maximum sentences between the offence you were convicted of and its present day equivalent has no impact on my sentence.
13. It has been urged upon me by your counsel that your offending does not pass the custody threshold and that I should impose a community order. Mr Vullo QC was right to submit that, if I judge a community sentence to be unsuitable for a man of your age and background, then the law requires me to consider some lesser sentence, such as a conditional discharge.
14. In my judgement the aggravating feature in this case is the disparity in your age and status compared to that of the victim which made her vulnerable to your advances and is not outweighed by the mitigating factors of having no previous convictions and being of good character. In my judgment that takes your offending above the recommended starting point and through the custody threshold.
15. The prosecution submits that a further aggravating feature is the way in which it is suggested that you used the media to proclaim your innocence from the moment you were arrested. They rely on paragraphs 66 to 70 of the judgment in Attorney General's Reference No. 38 of 2013, R. v. Stuart Hall [2013] EWCA Crim 1450 where the Court of Appeal decided that Hall's descriptions

of the allegations as “...pernicious, callous, cruel and, above all, spurious” followed by a plea of guilty was a serious aggravating feature of his offending. In my judgment that has only a very limited impact in your case where you have been acquitted of 14 out of the 15 charges which have been put before two juries, and where the offence of which you have been convicted was not known at the time you made your comments to the media. It follows that I shall take no account of this issue when passing sentence.

16. Whilst the commission of any indecent assault is serious and reprehensible, the scale and nature of the offences of which Stuart Hall and other defendants who have been successfully prosecuted under Operation Yew Tree and have been sentenced are of a different order of magnitude to the single offence of which you have been convicted.
17. The mitigating factors I take into account include that:-
  - (a) You have no previous convictions. In the course of two trials I have heard from a great number of character witnesses called on your behalf. Their descriptions included the following: a kind person always trying to help people, friendly, no airs and graces, generous, warm hearted and a good friend.
  - (b) I am to sentence you for a single offence of indecent assault and the Crown’s case that you had a propensity to commit indecent assaults has not been made out.
  - (c) The investigation and trials have taken over two years to complete and you have in no way contributed to that delay.
  - (d) They have had a toll on your health and, additionally, you are having to deal with other health issues within your family.

(e) Your conviction is likely to affect your ability to gain employment in the future.

18. Although I have concluded that your offending passes the custody threshold and that neither a fine alone nor a community sentence can be justified for it, because of the mitigating factors that apply in your case, I have decided that I can suspend that sentence.
19. Taking into account the seriousness of your offence and the mitigating factors in your case which I have set out, I sentence you to 3 months imprisonment.
20. The sentence of 3 months will be suspended for 2 years. This is the operational period of the sentence and if in the next 2 years you commit any offence you will be brought back to court and you will be liable to serve the sentence.
21. The surcharge provisions apply to this case and the order will be drawn up accordingly.