JUDICIARY OF
ENGLAND AND WALES

R v Patrick Rock

Sentencing Remarks of HHJ McCreath

Southwark Crown Court

2nd June 2016

I have to sentence you on five counts of downloading indecent images.

Count 2 relates to an image of a child who was a little over 10 years of age, Count 12 to a child of just under 12, Count 17 to a child a little over 12, Count 18 to a child of 14½ and Count 20 to a child of 14.

These were all sexualised images of children which were, as the jury found, indecent. They represent the sexual exploitation of five young girls.

Whilst it is true that the photographs were taken by others, you and others like you who accessed and looked at these images were complicit in that exploitation.

I shall say something in a moment about where these offences sit in a broader context but it is important that I emphasise at the outset that the sexual exploitation of any child, whether by taking indecent photographs of her or by committing contact offences against her is always a serious matter. Nothing that I say in these remarks amounts to any sort of excusing of, condonation of or trivialising of this sort of offending.

Sentencing for offences of downloading indecent images is governed by a sentencing guideline set down by the Sentencing Council, which judges are required by law to follow.

There are three categories of offence.

The worst kind relates to images of children being subjected to penetrative sexual acts, the second worst kind to images of children being sexually abused without penetration and the third worst to any other kind of indecent image. Within these categories, there is a wide range of seriousness.

There are cases in which the images are particularly revolting. There are cases in which the offender has spent years searching for and downloading images. There are cases in which the quantity of images is vast, running into

thousands, tens of thousands and sometimes into hundreds of thousands. Sometimes the offender has history of offending in this way. Sometimes he has also committed contact offences with children, direct sexual assaults on them. Sometimes he has actually created the images, sometimes he has distributed them to others. For this sort of offending and for this sort of offender, prison sentences are the obvious outcome.

The offences for which I must sentence you fall into the third category. Like most criminal judges, I have over the years had to deal with many cases of this kind. I have had to look at or read descriptions of a wide range of images in this category. In many (indeed in most) cases, there is a very large number of images, downloaded over a long period of time. In every case with which I have had to deal, the child is naked or partly naked with private parts exposed to full view and is made to pose in a sexualised fashion. The longest prison sentence available for offences in this third category is 6 months. This sentence, or something approaching it, is appropriate in cases involving large numbers of images of this kind.

It is necessary for me to set the current offences in their context. I emphasise that to do so is not to trivialise them.

Of the images of which you were convicted, one was downloaded on the 11th of August 2013, two on the 12th and two on the 14th. So the downloading took place on three occasions over a time span of four days. I have read material, in particular a statement from your sister, that this took place at a time in your life when you were in a state of unusual emotional turmoil.

There is no question about whether they were indecent images; the verdicts of the jury have established that. They did not, however, involve the display of naked genitalia or other intimate parts of the body. They numbered in total five images. I hope that you will note carefully that the word “only” has not featured in that last sentence.

The first question I must address is whether these offences in themselves are so serious that only a custodial sentence is appropriate for them. The sentencing guideline answers that question for me. There are no features of this case which make such a sentence appropriate.

If custody is not appropriate, then what is?

In many cases of this kind, the court’s primary objective will be to do what is necessary to avoid repetition by requiring an offender to submit to some kind of intervention by the probation service or other agencies which has that objective.

In your case, that is not appropriate. It has already happened. Two years ago, you voluntarily attended sessions at the Lucy Faithfull Foundation. Those sessions addressed amongst other things your understanding of your behaviour, relationship issues and victim awareness and empathy. You are reported to have engaged actively in the sessions and to have presented as motivated to understand and address your behaviour. There is no point in my requiring you to do the same thing all over again, this time at public cost.

To the extent that it is appropriate to give you an incentive and a warning as to your future behaviour, that can be proportionately achieved by making it clear to you that any repetition of this (or any) offending will result in the offences before me today being brought back before the court and the sentence reconsidered. If, as I anticipate, you do not reoffend, then that will not happen. But if it does, a prison sentence would be inevitable. This is the real effect of a conditional discharge – you are permitted to leave the court at liberty but on condition that for the next two years you do not reoffend. You must also during that time register as a sex offender. That period of time, it should be noted, will come to an end just short of the 5th anniversary of these offences. It is safe to conclude that if you have not repeated this behaviour by then, you are unlikely to do so ever again.

During that period, beginning today and lasting for two years, you are prohibited from using any device capable of accessing the internet unless it has the capacity to retain and display the history of internet use and you make the device available on request for inspection by a police officer. You are also prohibited from deleting such history. I make a Sexual Harm Prevention Order in those terms.

I add this. I have not lost sight of the obvious reality that right-thinking people will quite properly consider that those who did what you did should be punished for it. You should be. And you have been. The punishment for you is the loss of your reputation and your very public humiliation. It is a punishment which you brought on yourself but is nonetheless a very real one. And it is one which is utterly merited.

The prosecution make application that you should pay the costs of bringing this case against you. It is accepted on your behalf that you should do so but not, it is submitted, every last penny of them.

Taking what seems to me to be a robust but proportionate approach, I order you to pay prosecution costs in the sum of £12,500.

-ENDS-