

## **R v Simon Clark sentencing remarks**

**His Honour Judge Berkson**

**Chester Crown Court**

**6 June 2025**

### **ANCILLARY ORDERS**

1. This case concerns sexual offences towards young children and teenagers. Each of the victims is entitled to lifelong protection of the provisions of the Sexual Offences (Amendment) Act 1992. Accordingly, during their lifetimes no matter may be included in any publication if it is likely to lead to members of the public to identify any of them as a victim of the offences which I will refer to today.
2. The statutory surcharge applies to this case and I make a collection order.
3. I make a deprivation order in connection with the devices upon which the chat logs and indecent images of children referred to in this case were stored and which were used by you in the commission of the offences on the indictment. These devices having the exhibit references – CAS/01, CAS/04, CAS/07 and MM/1.
4. I make a sexual harm prevention order with the prohibitions set out in the draft order uploaded to the Digital Case System because, bearing in mind what I know about you, those terms are necessary for protecting the public from serious sexual harm from you in the future. The order, due to the serious nature of this case, will last indefinitely unless discharged by a Court.
5. You Simon Clark have been convicted of Sexual Offences to which the notification requirements apply requiring you to sign on the sex offender register indefinitely.

6. The offences of which you have been convicted are such that you will be barred from working with children which in this case is an important order in view of your career as a teacher.
7. I am grateful to both the prosecution and defence advocates for their helpful notes uploaded to the Digital case System before this hearing and their helpful submissions during today's hearing.

## **INTRODUCTION**

8. Simon Clark you are now 46 years of age and you have been convicted by your guilty pleas of a large number of sexual offences against young girls as well as offences concerning indecent images of children.
9. The offences are contained in an indictment on which there are a total of 29 counts.
10. Whilst the indictment has a total of 29 counts upon it, sadly this is a case where those 29 counts have a number of different victims some over the age of 13 at the time of the offending but many under that age.
11. Many of the offences involving the young victims involve sexual communication, some involve inciting engagement in sexual activity. Nearly all of the offences do not involve sexual penetration. However, one of the offences contained in count 1 on the indictment does.
12. In respect of the indecent image counts the offending involves making by downloading such images including an offence of making 26 category A images of children. Category A being images depicting the worst type of child abuse. All these images at Category A are videos or moving images.
13. The offending is internet based offending with you inciting some victims to expose themselves in a sexual way or to touch themselves sexually including as I have said in count 1, touching by penetration.

14. Make no mistake this is very serious offending. As Lord Justice Holroyde, the Vice President of the Court of Appeal Criminal Division said in the Court of Appeal in the case of R v AYO when dealing specifically with the appeal of Abdul Hasib Elahi – “if by using the internet, an offender can and does target many more victims than would have been possible some years ago..... he must expect to be sentenced for that wider offending” and you will be in this case.
15. You involved yourself in a sexual way with your victims and sought to gain sexual gratification from your crimes. That you are clearly interested in child sex offending is clear from the counts on the indictment.
16. As part of your offending you sent explicit images to some of your victims and received, at your request images from them. You pretended to be someone else a young person so that communication could start and continue on a wholly false premise.
17. The means by which you committed the crimes set out in detail on the indictment involved clear grooming of the young girls who were to be the victims of your sexual behaviour towards them.
18. Careful and detailed police work initially by the North Wales Police and then by Cheshire Police led to the recovery of your devices. The police then engaged in painstaking work on those devices to reveal the full extent of your crimes.
19. One very serious feature of this case is that at the time of your offending you were a teacher at the Mold Alun Secondary School. Your victims were nearly all of secondary school age and three of those young victims were pupils at the school where you were employed as a teacher.

## **THE FACTS**

20. Whilst this case has been very skilfully opened to me by prosecuting Counsel it is necessary to deal with the facts of the offending in some detail in these sentencing remarks so that the sheer scale and depravity of your overall offending is understood before moving on to deal with the detail of the sentences that are to be imposed.
21. This was well planned and sophisticated criminal behaviour on your part with the aim of persuading young girls to engage in sexual communication with you and on occasions to incite them to engage in sexual activity at your request.
22. Whilst you were gaining pleasure from what you were doing you were at the same time imposing yourself into the lives of your young victims.
23. You have pleaded guilty to 1 offence under s.8 of the SOA 2003, the most serious of the offences on the indictment – this is an offence of causing or inciting a child under 13 to engage in penetrative sexual activity.
24. You pleaded guilty to 2 offences under s.8 of the act where the offences were non penetrative but nevertheless causing or inciting those children to engage in sexual activity.
25. You pleaded guilty to 2 offences under s.10 of the Act, being offences of causing or inciting a child between the ages of 13 and 16 to engage in non-penetrative sexual activity. One of these victims was 15, the other was 13.
26. You have also pleaded guilty to 21 offences of engaging in sexual communication with a child. 10 of these offences involved victims who

were under the age of 13. One of these was only 10 years of age at the time the offence was committed.

27. The remaining counts on the indictment are offences which involve you being involved in making indecent images of children at all 3 categories, A, B and C.

28. There are a total of 136 images, the 26 category A images are moving images which is a significant aggravating feature of this type of offending. The images depict mainly female children of a similar age to those who are the subject of the other counts on the indictment.

29. In order to commit your crimes you were calling yourself Jamie Jones and you were pretending to be a 14 year old boy who attended a school called Mosslands in Wallasey on the Wirral. The Police were able to identify you as the person who had been communicating with Isobel Williams - Beeby.

30. Your offending was stopped because of a report made to the police on 24<sup>th</sup> January 2023 by the mother of your victim on count 1 on the indictment who reported that her 12 year old daughter had been receiving messages inciting her to send naked images of herself to the other person who was inciting her to digitally penetrate her own vagina.

31. You were soliciting images from this victim and you sent her images of a male masturbating – it could not have been a full image of yourself masturbating as you were suggesting because you were a 46 year old man. So as part of your criminal behaviour you had sourced such an image and had sent that.

32. You were arrested on 5<sup>th</sup> May 2023 at the school where you were a teacher. The police got into the snap chat account you were using as 14 and 15 year old Jamie Jones and the extent of your offending was

revealed. You had been committing offence after offence with young females over what was a 9 month period.

33. Three of the 26 young girls you had been sexually communicating with were in fact pupils at the school where you were a teacher. This is as I am sure you as an experienced teacher well understand an aggravating feature of your overall behaviour.

34. During the course of this hearing we have heard in some graphic detail the contents of some of the communications. They are highly sexualised and you have to remember that you are a 46 year old teacher pretending to be a 14 year old teenage boy and communicating in this way using chat applications on your devices.

35. It is of course every parent's nightmare that these sort of things are happening with their children without them being aware of it. It must have come as a terrible shock to the parents of children at the school where you were a well-respected teacher that you were behaving in this way.

36. It is clear from the chat logs and indeed from what you have said that there have been images of the girls solicited by you and sent to you. It also seems to be the case that you have sent images or pretend images of yourself or parts of yourself to some of the victims of your crimes.

37. Following your arrest you were interviewed by the police initially on 5<sup>th</sup> May 2023 when you denied the offences. You were re-interviewed on 15<sup>th</sup> May when you made admissions in a prepared statement. Nearly a year later on 19<sup>th</sup> April 2024 you were interviewed for a third time and made detailed admissions to the extent of your offending.

## **THE IMPACT OF THE OFFENDING**

38. Due to the young age of some of your victims it is perhaps not possible to properly assess the true effect of all your criminal conduct upon them. It is likely that this type of offending towards young girls will result in potential relationship difficulties in the future as well as mental health issues.

39. The author of the pre-sentence report points out from her experience that the victims are likely to have suffered significant emotional and psychological harm in addition to sexual harm as a result of your criminal behaviour towards them.

40. It can only be hoped that the children do not suffer from any long term trauma because of what has happened to them. Only time will tell if there is any long term psychological damage caused to the victims from your crimes.

## **MITIGATION**

41. I have before me, as I have already mentioned, the Pre-sentence report. This is the report prepared by Suzanne Bradshaw from the probation service, dated 13<sup>th</sup> May 2025.

42. By far the most important piece of mitigation in this case as has been rightly stressed by your advocate at this hearing is your early guilty pleas. Guilty pleas entered at an early stage in the case is the best way that a person can demonstrate remorse for criminal behaviour.

43. I have read a number of documents supplied to the Court on your behalf detailing the courses and work you have done in relation to the type of offending you have committed. I have also read about your mental and physical health problems.

44. You are well educated and have had a good career in teaching. You were, until your arrest for the offences I am today dealing with, head of the

French Department at the respected Alun High School in Mold, North Wales.

45. You have written a letter to the court in which you apologise for your criminal behaviour and set out what you have done to try and prevent you offending into the future. You express remorse for your crimes and the pre-sentence report refers to your apparently genuine remorse and regret for your criminal behaviour.
46. I have also read letters sent to the Court from your mother who unlike other family members continues to have contact with you. There is also a letter from a fellow teacher who is also clearly a close friend of yours as he was your best man at your wedding. He is a person who has accompanied you on contact visits with your own children.
47. It is hard to think of you committing these offences and being a father to two children aged 8 and 4. It is equally hard to think of you committing these offences and teaching children of the ages that you were seeking to sexually communicate with and abuse.
48. I note that since your arrest your wife has divorced you. Your contact with your children has been sporadic and supervised. Some other close family members no longer have contact with you. You have, of course lost your job and will never be able to return to a job of the type you have been involved in. You have by your criminal conduct and in the words of your advocate - lost everything.
49. There has been some delay in bringing this case to Court as there often is in cases where devices need to be considered and victims identified. Nevertheless I bear this in mind as a mitigating factor.
50. I will deal with the issues of concurrent and consecutive sentencing when I deal with the type and length of sentence in a moment but I take into account the defence submissions on the issue of totality.

### **DANGEROUSNESS**



51. This is a case to which the dangerousness provisions of the Sentencing Act 2020 apply and this was one of the reasons why the case was adjourned for the preparation of the Pre-sentence report that I have referred to already at this hearing.
52. The offence of causing or inciting a child under 13 to engage in sexual activity where penetration is involved is an offence which carries a maximum sentence of life imprisonment. Such offences are only triable in the Crown Court on Indictment.
53. In any event all the offending is subject to a dangerousness assessment and a number of sentence options are available depending upon the overall determination of dangerousness including a life sentence, an extended determinate sentence and a standard determinate sentence.
54. In order to pass a “dangerousness” type sentence the Court must make a finding of “dangerousness”. The criteria for such a finding is that there must be a significant risk that the defendant under consideration, you, will commit further specified offences and by doing so will cause serious physical or psychological harm to one or more people.
55. In reaching the decision in your case I have had regard to the offending that I have already referred to. The overall length of time that the offending took place over. I also have regard to the number of offences across the indictment and the number of victims.
56. You clearly have a sexual interest in the sexual abuse of young female children and gain sexual gratification from the same. Your sexual behaviour only ended when you were spoken to and arrested by the police and I have no doubt it would have continued had you not been stopped.
57. The pre-sentence report has paragraphs dealing with the risk of further offending and an assessment of the risk of serious harm. These are helpful and well-reasoned paragraphs in the report and are based upon the offending in this case` and two interviews with you.

58. You are assessed by the experienced probation officer, Suzanne Bradshaw, as posing a high risk of actual sexual harm and psychological harm to children, likely to be female children between the ages of 10 and 16. The author of the report under the heading conclusion states and I quote "I have concerns regarding the risk Mr. Clark poses due to the nature of the current offences, the number of victims involved and his position of trust as a teacher."

59. I have no doubt that you meet the criteria for a dangerousness finding. You pose a significant risk of committing further specified offences of a sexual nature towards children and of consequently causing serious harm to those children. I assess that you are likely to contact and seek to incite young female children to engage in serious sexual activity.

60. In this case having considered the reports, and the offending across the indictment. I have assessed the seriousness of the offences particularly the offence with a maximum sentence life imprisonment along with the numerous other sexual offences associated with that offence.

61. I have concluded that the evidence in this case is not such as to justify consideration of the imposition of a sentence of imprisonment for life under S.285 of the Sentencing Act. I have regard to the Judgment of the former LCJ, Lord Thomas in Court of Appeal decision in the case of R v Burinskas 2014 Cr App R (s) 45 and I have concluded that a determinate sentence alone, coupled with registration and the Sexual Harm Prevention Order, would not be sufficient to protect the public into the future.

62. In the circumstances therefore in my judgment the appropriate type of sentence is an extended determinate sentence under section 279 of the Sentencing Act 2020 with a lengthy custodial term and an extended licence.

63. Such a sentence coupled with the Sexual Harm Prevention Order is the appropriate way to punish you for your offending and to protect the public into the future.

64.I shall now deal with these two aspects of the sentence, the custodial term and the extended licence and in doing so give due consideration to the sentencing guidelines.

### **THE CUSTODIAL ELEMENT OF THE SENTENCE**

65.As the Court is passing an extended sentence it is necessary to fix a custodial term. This is the maximum time you would serve in custody before you are released on licence.

66.In reaching the custodial term in this case it is necessary to consider all the offending on the indictment and decide whether or not the sentences should be concurrent with each other or consecutive to each other.

67.The Court must inevitably in a case like this consider totality of sentence and the guideline in this regard. The court must also apply the guideline for the reduction of sentence for guilty pleas which is a relevant guideline in this case and impacts directly upon the custodial term to be served.

68.It can often be appropriate to impose consecutive sentences where the Court is dealing with more than one victim of criminal conduct. In this case there are 26 separate victims even if the Court paired down the sentences for totality in view of the nature of the offending this could produce a very lengthy sentence indeed.

69.That is not appropriate in this case as the overriding principle of totality is that the overall sentence should reflect all of the offending with regard to harm and culpability together with aggravating and mitigating factors both referring to the offences and the offender. In the end the overall sentence must be just and proportionate.

70.I have concluded that the best way to deal with this case is to impose the lead or headline sentence on count 1 and this will be the extended sentence which I have referred to. The sentences on all the other counts

will be concurrent to this sentence which has, as I have said a maximum sentence of life imprisonment. The other concurrent sentences will be expressed as determinate sentences.

71.The offending across the indictment other than count 1, including the indecent images counts in counts 27,28 and 29, will be regarded as the most significant aggravating feature of the sentence.

72.The counts represented by the image offences include offending towards other victims not included in the 26 counts - but they are unidentified real victims of child sexual abuse.

73. The other aggravating features identified in the various guidelines would then need to be taken into account with there being a need to avoid double counting.

74.The mitigating features would then need to be taken into account before the sentence would be reduced by reason of the totality principle to which I have referred.

75.In this case the relevant guideline on the lead offence in count 1 is the guideline for inciting a child under 13 to engage in sexual activity. I assess the offending where penetrative activity is involved as being in category 2 A.

76.The penetrative activity incited and encouraged in this case puts the offending automatically into category 2 the prosecution suggest that the offending should be elevated into Category 1 because of the sustained nature of the offending as a whole. It falls into category A due to the fact that sexual images were solicited and the grooming behaviour.

77.In my judgment whilst the one offence in count 1 falls within category 2A – the overall offending allows me to go outside the guideline because it would be just to do so and so the sentence that will be imposed will be a

sentence which would fall within the range for a category 1A offence which has a starting point of 13 years and a range of 11 to 17 years.

78. The overall sustained nature of your criminal behaviour across the indictment is being reflected in the sentence I am to impose on count 1 and I am not therefore restricted by the applicable guideline for that offending.

79. Further, the overall offending is characterised by a significant degree of planning with you pretending to be someone else and regularly deleting and reinstalling your snap chat account.

80. For an offence falling within category 2A on the guideline there is a starting point after a trial for a person of good character of 8 years imprisonment with a range of 3 years to 9 years.

81. The same guideline applies to the offences in 2 and 20. Those two offences do not involve penetrative activity and fall at category 3A with a starting point of 5 years and a range of 3 to 8 years.

82. Counts 4 and 13 amounts to the same criminal activity of inciting a child to engage in sexual activity but the victims on these counts are over the age of 13 being 15 and 13. The sexual activity is not said to be penetrative in these counts. For these counts the offending falls within category 2 A with a starting point of 3 years and a range of 2 to 6 years.

83. With regard to all the counts which involve allegations of inciting a child to engage in sexual activity the guidelines expressly state that where activity is incited but does not in fact take place there should be a downward adjustment to reflect that no or lesser harm actually resulted.

84. This downward adjustment is most pronounced in cases of attempt where a so called adult decoy is the apparent victim of the incitement. In this case on all these counts the victim is real and your intentions were clear.

85. The remaining counts excluding the indecent image counts are offences of Engaging in sexual communication with a child. Here the maximum sentence for one offence is 2 years. The guideline that applies to these is at 2B with a starting point for 1 offence of 6 months imprisonment and a range of a community order to 1 years imprisonment.
86. The final offences on the indictment are the three images counts. For the category A images the guideline has a starting point of 12 months and a range of 6 months to 3 years. For the category B images the starting point is 6 months with a range of a community order to 18 months and for the category C images the starting point is a high level community order and a range of a medium level community order to 6 months custody.
87. A point made in the probation report which resonates with the court is that you have completed all necessary training as a teacher and as such you would have a better understanding than most perpetrators of sexual abuse, regarding the vulnerabilities of the children involved in your criminal activities.
88. The aggravating features of the offending as a whole as referred to by the prosecution are that in the chat logs there is reference to ejaculation. Further, the offending occurs when the victims are in their own homes.
89. One feature of the indecent images count concerning the most serious images is that all 26 of the images were moving images or as I will refer to them videos. This is an aggravating feature of that count because of course any moving image contains thousands of still images even if the video is only short.
90. I have referred above to the mitigation in this case. However, the guidelines themselves refer to mitigating factors which include in your case – your lack of previous convictions. Your positive character and your remorse. I also take account of the efforts you have made since your arrest to receive assistance with your offending and your health issues.

91. In reaching the overall custodial term I repeat that which I have said already that the main aggravating feature is the number of offences and number of identifiable victims. I have regard to totality.

92. I keep the overall custodial term that would be imposed had you had a trial as short as I possibly can. Taking into account all the guidelines I have referred to, the aggravating and mitigating features in the case and the principle of totality – the sentence would be 12 years.

93. I shall deal next with your guilty pleas and the effect on the sentence of those pleas.

### **CREDIT FOR GUILTY PLEA**

94. When you first appeared in the Magistrates Court in connection with the charges for which I am dealing with you today you indicated that you would plead guilty to all the charges on a full facts basis.

95. Therefore the sentence I will impose as the custodial term on count 1 as part of the extended sentence will be the sentence you would have received had you been convicted after a trial - less one third – so in view of what I have said that is 12 years less one third – so the actual custodial term reduces to 8 years.

96. A one third deduction will also be made with regard to the determinate sentences imposed on the other counts on the indictment which will run concurrently to the extended sentence on count 1.

97. The custodial term is only part of an extended sentence the second part involves an extended licence period which is the issue I shall move onto now.

## **THE EXTENDED LICENCE**

98. The words extended sentence means that in addition to the custodial term of the sentence the Court imposes an extended licence period beyond the custodial term in order to protect the public further once the custodial term comes to an end.

99. The law allows, in a sex case, the extended licence period to be up to 8 years. I have concluded that the extended licence period in this case should be one of 4 years from the end of the sentence.

## **THE SENTENCE**

100. I will now deal with each count individually passing as I have said notional concurrent determinate sentences on all the counts other than count 1.

101. As will be apparent from what I have said already about the length of sentence on each count as I announce each of the sentences I will set out the sentence after trial and then reduce the sentence by 1/3 to reflect your guilty pleas.

102. After I have pronounced each individual sentence as I must do I will explain the sentence to you.

COUNT 1 - 12 year extended sentence under s.279 of the sentencing act with a 8 year custodial term [reduced from 12 years for your guilty plea] and an 4 year extended licence.

COUNT 2 – 5 years to 40 months concurrent.

COUNT 3 – 6 months to 4 months concurrent



COUNT 4 – 30 months to 20 months concurrent

COUNT 5 – 6months to 4 months concurrent

COUNT 6 – 6 months to 4 months concurrent

COUNT 7 – 6 months to 4 months concurrent

COUNT 8 – 6 months to 4 months concurrent

COUNT 9 – 6 months to 4 months concurrent

COUNT 10 – 6 months to 4 months concurrent

COUNT 11 – 6 months to 4 months concurrent

COUNT 12 - 6 months to 4 months concurrent

COUNT 13 – 30 months to 20 months concurrent

COUNT 14 – 6 months to 4 months concurrent

COUNT 15 - 6 months to 4 months concurrent

COUNT 16 – 6 months to 4 months concurrent

COUNT 17 – 6 months to 4 months concurrent

COUNT 18 – 6 months to 4 months concurrent

COUNT 19 – 6 months to 4 months concurrent

COUNT 20 – 5 years to 40 months concurrent

COUNT 21 – 6 months to 4 months concurrent

COUNT 22 – 6 months to 4 months concurrent

COUNT 23 – 6 months to 4 months concurrent

COUNT 24 – 6 months to 4 months concurrent

COUNT 25 – 6 months to 4 months concurrent

COUNT 26 – 6 months to 4 months concurrent

COUNT 27 – 12 months to 8 months concurrent

COUNT 28 – 6 months to 4 months concurrent

COUNT 29 – 6 weeks to 4 weeks concurrent

## **WHAT THE SENTENCE MEANS**

103. It is very important that you and everyone concerned with this case should understand what the sentence means. As I have already told you because of the nature of the offences for which you have been convicted I am required to consider the issue of dangerousness, that is whether there is a significant risk of you committing further specified offences and if so whether there is a significant risk of you causing serious harm thereby. I have already said that I am satisfied that you do present such a risk.
104. I have already stated that a life sentence is not considered necessary or appropriate in your case.
105. I have considered whether a standard determinate sentence is appropriate. If imposing such a sentence as I have said the least period of custody I could have imposed in all the circumstances of the case including the one third credit allowed for your guilty pleas would have been one of 8 years imprisonment.
106. Such a sentence would not fully address the risk you currently represent and I do consider it necessary to impose the extended determinate sentence I have referred to in order to protect the public in future.
107. The extended sentence is made up of 2 parts a custodial period, which will be no longer than the 8 years I have mentioned and an extended licence period of 4 years making an extended sentence of 12 years in total under section 279 of the sentencing act 2020.
108. You will serve at least 2/3rds of the custodial period in prison, being in your case 64 months, before the parole board will consider whether it is safe to release you and if so upon what terms.

109. Once released you will serve on licence any part of the custodial period which remains and you will be subject to an extended licence for a further period of 4 years making 12 years in total.
110. If and when you are subject to licence you commit another offence or fail to comply with the terms of your release you are liable to be recalled to custody and you may serve the entire sentence in custody.