

SENTENCING NOTES FOR MEDIA

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The Complainants

The provisions of the Sexual Offences (Amendment) Act 1992 apply to this offence. Under those provisions, where an allegation has been made that a sexual offence has been committed against a person, no matter relating to that person shall during that person's lifetime be included in any publication if it is likely to lead members of the public to identify that person as the victim of that offence. This prohibition applies unless waived or lifted in accordance with s.3 of the Act. The complainants are referred to in the main judgment and press summary as C1 and C2 for this reason.

The Offenders

The provisions of s.45 Youth Justice and Criminal Evidence Act 1999 are engaged in this case because the offenders are aged under 18 years.

An order under s.45 was made in relation to proceedings in the Crown Court. That order extends to these proceedings. As a result, the first offender is referred to as "X", the second offender as "Y" and the third offender as "Z".

The child witnesses

A further order under s.45 was made in relation to certain named child witnesses. This order also applies to these proceedings.

Details of the Crown Court orders are available from the Crown Court.

X, Y and Z

We are the three judges who have been asked to decide whether the sentences you were given by the judge in Southampton should stay the same or should go up.

Yesterday, we listened to a barrister who argued that your sentences should go up. We then listened to your barristers, who argued that your sentences should stay the same.

We three judges have spent a lot of time talking about and thinking about what they all said and we are now going to tell you what our decision is.

X and Y

We have read a lot of information about what you did to these 2 girls; we have watched the videos that you took; and we have read about how the 2 girls feel about what you did to them and how it has affected their lives.

We have also read a lot of information about each of you. We know that neither of you have been in trouble before. We know that both of you, but especially you **Y**, find understanding some things very difficult. We know that both of you have families who support you, and that with their help, you have been doing what the judge at Southampton told you you had to do on the order that he made.

We listened very carefully to what your barristers told us yesterday. They argued that the judge in Southampton made the right decision when he decided not to put you into detention. They asked us not to change your sentence.

X and Y, we have thought very hard about everything we have read, and everything we have been told. Having done so, we have decided that we do need to change your sentences, and that both of you do need to go into detention. We have made this decision because we think that what you both did was so bad that we have no other choice. You both raped 2 girls on 2 different occasions. You were enjoying it and egging each other on. You made it worse by filming what you did, which was a horrible thing to do.

We have decided that both of you have to go into detention for 4 years. 4 years is a very long time. You will not stay in detention for all that time. All of the time you were in detention before your trial, and half the time you spent on bail with a curfew will count towards your sentence, and you will be let out when you have done half of the time that is left. When you are let out, you will still have to behave yourselves until the 4 years is up. Your barrister or solicitor will be able to explain this to you. Even though you will not be in detention for the whole of the 4 year sentence, we know that it will still be a long time for you to be away from your home and families. But what you both did was so bad that we decided that we had no other choice than to make these sentences.

Because we have changed your sentences, the amount of time that you will have to follow the instructions of the police, which are called notification requirements, will now be for your whole lives.

We have also decided that the restraining order that the judge made, should also now last for the whole of your lives. This means that you must never contact either of the girls again.

Z

Z, what you did was also very bad. Although you did not touch a girl yourself, you encouraged **Y** to rape a girl and you filmed them. Because these were such bad things to do, we have thought very carefully about whether we should change your sentence too, and whether you too should go into detention.

Having read and heard a lot about you, we have decided that because you were very young and find some things very difficult to understand, and because you were only involved on one occasion, we do not need to change your sentence. So, you will carry on with the same Order that the judge gave you in May.