



JUDICIARY OF
ENGLAND AND WALES

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-V-

JAJI

AT THE CENTRAL CRIMINAL COURT

7 JUNE 2013

SENTENCING REMARKS BY MR JUSTICE SINGH

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1. Opemipo Jaji, you were convicted by the jury on 18 April this year of the rape of an 11 year old girl in Jubilee Park in Edmonton, north London, on 23 November 2012. Your victim was a little girl whom I will give the anonymous initials AB.
 2. AB was on her way home from school and at around 4:30pm took a bus with her friend. She got off the bus and said goodbye to her friend. You got off the bus at the same stop as her and you then followed her. You dragged her into Jubilee Park and subjected her to a horrific ordeal for the next 3 hours. Not only did you rape her at least twice. You stuffed one of her gloves in her mouth. You threatened her and said that you had a knife although you did not in fact produce one. You told her not to tell anyone about what had happened because you would stab her. Even the risk of being seen by a member of the public did not deter you from carrying on with your vicious attack on your lonely and vulnerable victim: when a passer-by walking his dog was nearby, you told her to curl up and keep quiet so that she would not be noticed. At one point you even told her that the incident was being filmed and that you would send the video to her school where people would laugh at her. You left AB with injuries which meant that she had to go to hospital where she had to be examined under anaesthetic and needed stitches. Perhaps even worse, you have left her with terrible emotional scars. One can only hope that, with the courage that she has already shown in giving evidence at this trial, and with the support of her family and friends, she can begin the process of recovery. I

am grateful to AB's father for the personal impact statement which he has provided, which your counsel has seen but which, for reasons of privacy, I will not read out in court.

3. Until recently you have shown no remorse for the terrible offence which you committed. Since your conviction you now accept that you did commit this offence. As Dr Ian Cumming says in his psychiatric report, at para. 43, there has been a small insight into your offence but this does provide a platform for you to work within a sexual offenders treatment programme. However, I approach the degree of your apparent remorse with some caution. I had the opportunity to observe you when you gave evidence at your trial. It is clear to me that you are well capable of lying and of manipulating others around you to suit your own interests.
4. The principal mitigating factor in your case is your relatively young age. You are 18 years old. You are an intelligent young man who had potential. You were doing an apprenticeship with a view to becoming a chef and have an interest in music, which you hoped to develop professionally. I bear in mind that a younger person is more likely to be capable of change and achieving a greater level of maturity; and that a lengthy sentence is likely to have greater impact on a younger person.
5. But it is also clear that you have an unhealthy interest in little girls. You have previous convictions. The first was for robbery and sexual assault on a 12 year old girl, which again was a stranger attack in a public place, for which you received a 10 month Detention and Training Order at Wood Green Crown Court on 16 September 2011. The second conviction was for making indecent images of children, for which you received a Youth Rehabilitation Order at the North London Youth Court on 5 September 2012. Furthermore, you committed the present offence while you were subject to a supervision requirement under that order. Indeed, one of the disturbing features of this case is that you had just been to an appointment with your probation officer when you got on the same bus as AB on 23 November.
6. There is this further feature of this case. You have told both the probation officer, who prepared the Pre-sentence Report, and Dr Cumming that you had been planning to rape a girl for about 2 months before your offence, although the offence against AB itself was committed on impulse.
7. I must follow any relevant sentencing guidelines unless it would be contrary to the interests of justice to do so. The definitive guideline on

sexual offences was issued by the former Sentencing Guidelines Council in April 2007. The offence of rape is dealt with at pages 24 to 26. It seems to me (and this was common ground before me) that your offence falls within the second category on page 25: in the case of a victim under 13 the starting point after trial for a person of previous good character would be 13 years custody. The sentencing range would be 11-17 years custody. You, of course, are not a person of previous good character. I must also bear in mind the aggravating factors which I have mentioned. Nevertheless I have to bear in mind your relative youth and the other mitigating factors which I have outlined. In my judgement, the appropriate determinate term in this case would be 16 years.

8. However I also have to consider the question of whether you are a dangerous offender and the appropriate sentences for such an offender: either an extended sentence under section 226A of the Criminal Justice Act 2003, as amended by the Legal Aid, Sentencing and Punishment of Offenders Act 2012, or a discretionary life sentence.
9. I have considered the decisions of the Court of Appeal which have been drawn to my attention, in particular Attorney General's Reference (No. 32 of 1996) (Whittaker) [1997] 1 Cr App R (S) 261. As was made clear by Lord Bingham CJ in that case at p.264, there are two main conditions before a discretionary life sentence can be imposed. The first condition is that the offence is a very serious one. That is clearly satisfied in your case. The second condition is that there are good grounds for believing that the offender may remain a serious danger to the public for a period which cannot be reliably estimated at the date of sentence. By "serious danger" the Court had in mind particularly serious offences of violence and serious sexual offences. Although the reason for this will often be related to the mental condition of an offender, the crucial question is whether on all the facts it appears that an offender is likely to represent a serious danger to the public for an indeterminate time.
10. In the present case, I am satisfied that the second condition is also satisfied. In his report for this Court Dr Cumming makes clear, at paras. 39-42, that:
 - (1) There is no evidence of a mental illness.
 - (2) You have demonstrated an evolution of predatory sexual behaviour towards young pre-pubescent girls.

- (3) It seems very likely that the offence would have been repeated again if you had not been caught.
- (4) You can only be considered to pose a high risk of future offending.
11. I also base myself on the assessment of dangerousness in the Pre-sentence Report, in particular at sections 4 and 5.
12. Indeed it was not disputed by counsel on your behalf that you do meet the test of dangerousness by reference to those two reports. Counsel focussed her plea in mitigation on the submission that an extended sentence would afford adequate protection to the public in this case. She submitted that an appropriate custodial period together with an extension period perhaps as long as the maximum permitted by law (8 years) would mean that you would be likely to be subject either to custody or intensive supervision under licence until you were perhaps in your early 40s.
13. I have given careful consideration to the question whether adequate protection can be given to the public in this case by imposing a lesser sentence, for example a determinate sentence combined with a Sexual Offences Prevention Order or an extended sentence. I have given anxious consideration to that question, in particular because of your relatively young age, although you are as a matter of law an adult. However, in all the circumstances of this case, I do not believe that the public would be adequately protected from you if you were the subject of any sentence other than a life sentence. The fundamental difficulty, in my view, lies in the answer to the question that counsel accepted has to be posed in accordance with the test in Whittaker: is the period that you are likely to be dangerous capable of reliable estimation as of today? I have come to the conclusion that it is not. In this context I note what the Pre-sentence Report says, at p.14, in considering the possibility of an extended sentence: “a potential concern is that Mr Jaji could be automatically released without having undertaken the necessary treatment or work to reduce his risk. Even though he would be subject to a lengthy licence period there may be further concerns about the management of his risk in the community.”
14. In imposing a life sentence I must set the minimum term that you must serve before you can be considered for release on licence, which should be half of the appropriate determinate sentence. It is important to emphasise that this is not the actual term that you will serve in custody. It is the

minimum term that you must serve before you can be considered for release by the Parole Board. The time that you actually spend in custody may well be longer. The Parole Board will only direct your release on licence if it is satisfied that you are no longer a danger to members of the public. Even if you are released you will remain on licence for the rest of your life and will be liable to recall by the Secretary of State.

15. The sentence of the court therefore is custody for life. The minimum term that you will serve is 8 years, less the time that you have already spent on remand.
16. In addition you will be subject to the sex offender notification rules for the rest of your life. You will be disqualified from working with children and you will be placed on the barring list under the Safeguarding of Vulnerable Groups Act 2006.
17. The earlier order of the Youth Court is revoked.
18. The statutory surcharge provisions apply to this case and an appropriate order will be drawn up accordingly.
19. Finally I would like to pay tribute to the victim AB and her family in this case for the courageous way in which they have approached this case throughout. I would also like to pay tribute to the police officers who investigated this case: they were very quick to get to Jubilee Park, to secure the scene of the crime, and were able to apprehend this serious offender within days. They also dealt sensitively with this very difficult case, concerning as it did a young victim. I would also like to thank all counsel for the way in which they have presented the case and the assistance they have given the Court.