

**325.50 Internet etc. Directing children to penetrate etc.**

*R v Falder* 2018 EWCA Crim 2514, 2019 1 Cr App R (S) 46 (p 309) D pleaded to 137 offences all of which were either sexual in nature or sexually motivated. The offences included intentionally encouraging rape (and rape of a child) through the internet, causing or inciting sexual exploitation of a child, causing or inciting a child to engage in sexual activity involving penetration, possession of extreme pornography and voyeurism. The Judge divided the offending into categories and passed four consecutive extended sentences for the overall offending making in total 65 years. The Judge gave full credit for the pleas, making 43  $\frac{1}{3}$  years and made a further reduction for totality. Held. 33 years' extended sentence (**25 years'** custody, 8 years' extended license) not 38 years' extended sentence (32 years' custody, 6 years' extended license).

**325.51 Internet/Mobile phone etc. offences Directing children to abuse themselves**

*R v Sambrooks* 2019 EWCA Crim 1082 D pleaded to 17 offences which included causing or inciting a child to engage in sexual activity, attempting to incite penetrative sexual activity with a child, making indecent photographs of a child and distributing indecent photographs of a child. D had set up a Facebook account in a false name purporting to be a student aged 18. He used his persona to contact and befriend young girls online in discussions that quickly turned highly sexual and explicit in content. The girls were aged between 12 and 15 at the time. D knew their ages because they told him. The subjects discussed in the online chats included penetrative penile and digital activity, exposure of genitalia and suggestions of mutual masturbation. D was found to have a cache of indecent photographs of children at levels A to C. There was a record of him sending one image at each level to another online contact. D was now aged 38 and had one previous conviction for attempting to incite [sexual] activity, which post-dated the commission of these offences but took place prior to their discovery, for which he received a community order. The Judge chose count 5 as the lead offence and ordered all other sentences to run concurrently. Count 5 charged causing or inciting sexual exploitation of a girl aged 12. The Judge found that D was dangerous and passed an extended sentence. She applied the 25% discount for the guilty plea. Held. Offences of this nature can have a devastating effect on the victims who lose their innocence and can be affected with enduring psychological issues. We bear in mind however, that these were exclusively online offences. There was no face-to-face contact with any of the victims. The Judge was justified in passing an extended sentence, but the custodial element was too long. We select count 1 as the lead offence which is causing or inciting a child to engage in penetrative sexual activity, which carries a statutory maximum of life imprisonment. We reduce the sentence on count 5 to 6 years and make it concurrent. Therefore, 12 years' extended sentence (**9 years'** custody, 3 years' extended license) not 14 years' extended sentence (12 years' custody, 2 years' extended license).