

**24.27 *Dangerous young offenders***

*R (W) v Caernarfon Youth Court 2013 EWHC 1466 (Admin)* D, aged 11, was charged with rape of a child under 13 (penetration of V's mouth), three charges sexual assault of a child aged under 13 and common assault. V was aged 6. The District Judge accepted jurisdiction and the matter was adjourned for trial. Before the trial date D pleaded to all counts. Reports were ordered which revealed a) a likelihood he had been exposed to adult pornography, b) when aged 5 and 7, he had invited others to lick his penis and c) at school he had pulled boys' trousers down. The District Judge committed D for sentence under section 3C, because of the significant risk the defendant posed. The defence brought judicial review proceedings claiming that as there had been no trial there could not be a committal under section 3C. Held. We cannot accept that submission. The word 'trial' includes defendants who plead. Here the change of decision about jurisdiction arose because of the report. The District Judge was entitled to exercise his residual powers which are exercisable in very exceptional circumstances to commit D for sentence. Further the acceptance of summary jurisdiction created no legitimate expectation he would be dealt with summarily. However, on the facts, it was not open to the District Judge to commit. Case remitted back to the Youth Court.