

362.6a *Post-guideline case*

R v Adams 2014 EWCA Crim 1898 D pleaded (full credit) to voyeurism (×6) and making indecent photos of a child (×3). D sold an MP3 player to a shop and staff found footage of people using a lavatory in a local hospital. D had placed a disguised camera under the sink, pointing at the lavatory. About 50 people, male and female, were filmed and their genitals were seen. D had been filming once or twice a week for three years, but had stopped of his own accord about two years ago. Upon a search of D's home, the camera was found and data storage devices with deleted films of a dozen or so people using the same toilet were found. This included girls of 10-14. That particular film had been copied three times. D denied involvement initially but later handed himself in and made frank admissions. D was aged 54 on appeal and effectively of good character. He had Parkinson's and also mild depression following his wife's death. The positive PSR recommended a community order with SOTP. Held. The facts here are unusual. There were aggravating factors. This was in effect a campaign of voyeurism with a significant degree of planning. The toilet was used by hospital outpatients who may have been vulnerable or unwell and where they were entitled to feel entirely safe. The images of girls were isolated and copied. These factors justify this as a serious Category 1 case. However, due to D's Parkinson's, custody would be harder for him to cope with than others. For the voyeurism, we adopt an overall starting point of 27 months and for the indecent images, 18 months on each count. The sentences ought to be concurrent, not consecutive, as they related to a single course of conduct. Taking into account D's plea, **18 months** for voyeurism with the indecent image counts concurrent.