JUDICIAL
COMMUNICATIONS OFFICE

IN THE CENTRAL CRIMINAL COURT

R -v- JON VENABLES

SENTENCING REMARKS OF MR JUSTICE BEAN

23 JULY 2010

Jon Venables, you have pleaded guilty to three offences concerned with child pornography on a computer. In early 2008 you sent 42 indecent images to a paedophile, Lesley Norman Blanchard. In the months leading up to 23rd February 2010 you downloaded 57 pornographic images or films depicting child sexual abuse. In the case of three of them you did so in such a way that they were available during the downloading to other users of child pornography who had access to the necessary peer-to-peer software, although the prosecution have made it clear that there is no evidence that anyone did so. The distribution alleged in counts 2 & 3 was therefore very limited. But some of the images are of a very serious kind, known as level 4, and involve very young children in sexual acts.

It would be wrong, in my view, for the sentence you receive today for child pornography offences to be increased by reason of the fact that you are one of the two people who, when much younger, carried out the horrific murder of two year old James Bulger. But there is a significant difference between your case and that of a typical offender. In an ordinary case, I would be telling the defendant that after serving half of the sentence of imprisonment which I imposed, he would be released on licence. That does not apply in your case. You were recalled to prison in February this year under the terms of the licence on which you were released as part of the life sentence (Detention at Her Majesty's Pleasure) imposed by Mr. Justice Morland in 1993 following your conviction for murder. When you reach the halfway stage of the sentence I am about to impose it will be for the Parole Board to decide whether or not it is safe for you to be released on licence once again. I emphasise that that issue is not a matter for me today, and it would be wrong for me to say anything about it.

Accessing child pornography on a computer is not a victimless crime, since people who do it encourage the exploitation of the children who are filmed or photographed. As Mr Fitzgerald QC rightly accepted on your behalf, even downloading such images, let alone distributing them, is itself a form of child abuse. The sentences which should be imposed in such cases have been laid down in detail, first by the Court of Appeal and then by the Sentencing Guidelines Council. The Council's definitive guideline on sexual offences, which I am required to follow, states that where someone is convicted after a contested

jury trial of distributing level 4 or 5 images the starting point should be three years custody and the sentencing range can be from two to five years.

In view of the limited distribution in your case, I do not consider that I should increase the starting point beyond the 3 years indicated by the guidelines, but I am not prepared to reduce it either. The appropriate sentence after a trial would therefore have been 3 years, but you are entitled to credit of one third for the fact that you made immediate admissions when interviewed about the respective offences. You indicated through counsel your intention to plead guilty to counts 1 and 3 at the earliest opportunity and to count 2 as soon as I had given a ruling on a point of law which your counsel quite properly raised before me.

The sentences will therefore be 2 years on count 3, 12 months on count 2 and 6 months on count 1, all concurrent, making 2 years in all. They run from today since you are not entitled to credit for the time spent in prison since your recall.

The pre-sentence reports before me assess you as posing a medium level risk of serious sexual harm to children, because you have colluded with and encouraged the harm already inflicted on the exploited children by downloading the images. It is right to say that there is no evidence of your using the internet to try to contact or groom children for sexual exploitation. Nevertheless I consider it necessary for the purpose of protecting future children from being exploited for your sexual gratification, to impose a sexual offences prevention order (SOPO) for five years from today prohibiting you from:

(1) owning or using, save at your place of employment, or at a supervised facility open to the public, any computer with access to the internet which does not have a software programme designed to prevent access to child abuse images installed and in operation;
(2) using any internet-based file sharing or peer-to-peer software;
(3) using any internet-based social networking sites or accessing any chat facility which enables you to engage in any form of chat on the internet.

In addition I make an order for deprivation of your computer itself.

On release from custody you will be required to register with the police under the notification requirements of Part 2 of the Sexual Offences Act 2003 for 10 years. You will also be permanently barred by the Independent Safeguarding Authority from working with children. These restrictions will be quite separate from, and additional to, any conditions imposed under your licence as a life sentence prisoner.