



MC/CRIM/10/25

SENTENCING REMARKS

REX

v

CRAIGY CHIPUNZA

before  
HHJ Malcolm Simmons

GIVEN ON  
12<sup>th</sup> March 2026

Representation:

Mr Stuart Walker

Mr. Phillip Axon

Crown Counsel, Prosecution

Defendant

These sentencing remarks will be published until 12<sup>th</sup> March 2032 for this reason:

- As per Schedule 10 of the Criminal Procedure Evidence Ordinance, 2014, the conviction of the defendant will be considered spent.

Any concerns about the publication or content of this document will be placed before the Judicial Officer(s) for consideration.



IN THE MAGISTRATES COURT OF THE FALKLAND ISLANDS  
MC/CRIM/10/25  
Sentencing hearing: 12<sup>th</sup> March 2026

Before

HIS HONOUR JUDGE MALCOLM SIMMONS

BETWEEN:

REX

V

CRAIGY CHIPUNZA

MR. STUART WALKER, Crown Counsel, appeared for the Prosecution

MR. PHIL AXON appeared for the defendant by video link

**Reporting restriction under section 465 of the Criminal Procedure and Evidence  
Ordinance 2014**

SENTENCING REMARKS

1. You appear today for sentencing having been convicted on 30<sup>th</sup> January 2026 on two counts:

Count 1

*Being a person over the age of 18 years, between the 1<sup>st</sup> day of February 2025 and the 30<sup>th</sup> day of April 2025, you intentionally touched AB, the touching was sexual, AB was under the age of 16 years and*

*you did not reasonably believe that AB was aged 16 years or over, an offence under section 211(1) of the Crimes Ordinance 2014.*

### Count Two

*Being a person over the age of 18 years, between the 1<sup>st</sup> day of February 2025 and the 30<sup>th</sup> day of April 2025, you intentionally touched AB, the touching was sexual, AB was under the age of 16 years and you did not reasonably believe that AB was aged 16 years or over, an offence under section 211(1) of the Crimes Ordinance 2014.*

### *Offending*

2. Having been asked by your victim to buy her a vape, you arranged to meet. You knew your victim was only 14 years of age. You met her on three occasions between 1<sup>st</sup> February and 30<sup>th</sup> April 2025.
3. On previous occasions when you had met your victim you had made comments about her bottom, choosing to walk behind her in order to look at her bottom.
4. You agreed to meet your victim in the alley way adjacent the Chandlery Express supermarket.
5. Having purchased a vape for your victim, you picked her up and put her over your shoulder before slapping her buttocks. You then tripped your victim, catching her as she fell. You used the opportunity to touch her breasts (Count 1).
6. You then suggested to your victim that you walk to a local park. It was dark. She sat with her legs crossed. You lay on the ground next to her, your head in her lap. You touched your victim's buttocks, breasts, waist, legs and stomach. Your victim described feeling uncomfortable and scared. You attempted to put your hand inside her upper clothing but she stopped you from doing so. You knew what you had done was wrong and you warned your victim against telling anyone. (count 2).

### *Victim Impact*

7. Your victim has described the consequences of your offending. She is struggling emotionally, thinking about what you did to her. Her sleep has been disturbed and she has had nightmares at the thought of meeting you. That, in turn, has affected her schoolwork. It is clear that your offending has had a profound effect on her. She continues to have flashbacks and experiences

anxiety associated with your offending. On my assessment, the impact of your offending had resulted in your victim suffering severe psychological harm.

#### *Maximum Sentences*

8. The maximum sentence for an offence of sexual activity with a child (non-penetrative) under section 211 of the Crimes Ordinance 2014 is 10 years detention or a fine or both.

#### *Sentencing Guidelines*

9. The appropriate guidelines are the 'Sexual activity with a child/Causing or inciting a child to engage in sexual activity' guidelines and the Overarching Sentencing Guidelines.

#### *Custodial Sentences on Young Offenders*

10. You are under the age of 21 and section 726 of the Criminal Procedure and Evidence Ordinance 2014 applies.
11. A court must not pass a sentence of detention unless it is satisfied that the circumstances, including the nature and gravity of the offence are such that, if the offender were aged 21 or over, the court would pass a sentence of imprisonment and that the defendant qualifies for a custodial sentence.
12. A defendant qualifies for a custodial sentence if—
  - (a) they have a history of failure to respond to non-custodial penalties and is unable or unwilling to respond to them; or
  - (b) only a custodial sentence would be adequate to protect the public from serious harm from the defendant; or
  - (c) the offence of which the offender has been convicted or found guilty is so serious that a non-custodial sentence for it cannot be justified.

### *Sentencing*

13. I have considered with care, the totality guidelines. I have structured the sentence to reflect all of your offending behaviour, ensuring the sentence is just and proportionate.
14. The offending in counts 1 and 2 took place on the same day. Culpability factors are common to both offences.
15. There was an obvious imbalance of power. You were 18 and she was 14. You were purchasing vapes for her, something she could not do because of her age. You took advantage of this fact to meet with her in secret when she was alone. I am satisfied there was grooming-type behaviour used against your victim.
16. Your victim made up an excuse to leave the park. You warned her not to say anything about your interactions and that, were she to do so, she could get into trouble, adding that if you were “going down” the complainant would be “going down” with you. You threatened your victim because you did not want her to report what you had done.
17. I will deal with count 2 first because that is the more serious.

### Count 2

18. In terms of harm, count 2 is within category 3. You touched your victims buttocks, breasts, waist, legs and stomach. The sexual touching was through clothing. Culpability comes within category A. The starting point for a category 3A offence is 26 weeks custody with a category range of High Level Community Order to 3 years custody.
19. There were aggravating features. You asked your victim to go with you to the relative isolation of a nearby park. It was dark. The complainant was scared. She would have felt vulnerable and you exploited that vulnerability. Having read her victim impact statement and having watched and listened to her describing the impact of your offending, I am sure she suffered severe psychological harm as a result of your offending.
20. Before consideration of your mitigation, the appropriate starting point for this offending is 22 months detention.

### Count 1

21. In terms of harm, count 1 is within category 3. You touched the complainants buttocks and breasts. The sexual touching was through clothing. Culpability comes within category A.
22. The starting point for a category 3A offence is 26 weeks custody with a category range of High Level Community Order to 3 years custody. Before consideration of your mitigation, the appropriate starting point for this offending is 9 months detention.

### *Pre-Sentence Report*

23. I have received a pre-sentence report dated 12<sup>th</sup> March 2026 from the Probation Service for which I thank the Probation Officer.
24. Mr. Chipunza, you are 19 years of age. You were born on 5<sup>th</sup> September 2006. You were 18 years of age at the time of your offending. I accept there was a degree of immaturity in your offending.
25. You live with your parents in the family home. You are not currently in a relationship. You have no reported dependents. I am told you have limited finances and a small amount of debt. You are supported by your family.
26. At the time of your offending you were working at the Chandlery supermarket, a position you had held since leaving school. Following your conviction your employment has been terminated. Since then, you have been helping with his mother's cleaning business. I understand you may have some potential opportunities for work although, understandably, these are awaiting the outcome of today's hearing.
27. You have no previous convictions recorded against you.
28. You are assessed as posing a medium to high risk of harm, primarily to female children, the nature of the risk being sexual assault.
29. It is clear to me that you have a sexual interest in young girls. That risk is likely to increase in situations in which you have unrestricted access to young females.
30. You have indicated a willingness to engage with the Probation Service as appropriate.

31. I have received character references from Sasha Ford, Melanie Ford, Temis Smith, Deborah James, Richard Chivinda, Marvis Chipunza, Violet Sithole and Dean Rhappozoh. They all attest to you positive good character. They describe a very different person to the person who finds himself before this court. I have taken those references into account in sentencing.

### *Sentencing*

32. I have had the benefit of sentencing notes from Mr. Walker and Mr. Axon. I have listened very carefully to their submissions. I have taken into account everything said on your behalf by Mr. Axon. I have also considered carefully the Pre-Sentence Report.

33. I have considered and taken into account the totality principle. I have structured the sentence to reflect all of your offending behaviour with reference to overall harm and culpability, together with the aggravating and mitigating factors, arriving at a sentence that is just and proportionate.

34. When sentencing, I have also considered whether the sentences that I impose should be concurrent or consecutive. It would ordinarily be appropriate to impose a concurrent sentence where there is a series of offending of the same or similar kind, especially when committed against the same person. A consecutive sentence would be appropriate in circumstances in which, inter alia, the offences arise out of unrelated facts or incidents.

35. I have considered the guidelines as to the imposition of a custodial sentence and whether it might be suspended. I have taken into account everything said on your behalf by Mr. Axon. I have decided that the sentence can be suspended and it will be suspended for a period of two years.

36. Mr. Chipunza, if you commit another offence within two years, the sentence that I have imposed for these offences may be activated and you will serve a term of detention. Do you understand that?

### **SENTENCE**

37. The sentence I impose is 22 months detention on Count 2, 9 months detention on Count 1, concurrent, suspended for 2 years, with a supervision order.

38. I am not making a compensation order in this case.

39. You will be subject of a Sexual Harm Prevention Order in the terms sought. That Order shall remain in force for 5 years.
40. You will pay prosecution costs that I assess in the sum of £800, to be paid within 14 days.
41. Following your convictions for these offences, you will be subject to notification requirements with the police for a period of 10 years. You must keep the police informed at all times of your personal particulars, the address at which you are living, and any alteration in the name you are using.