

Nichole Maree Sharp, you have pleaded guilty to a charge of penetrative sexual abuse of a young person. You committed this crime one night in March 2021. At the time you were 43 years old, and you engaged in some sexual activity with a boy aged 16 years and 5 months. You had been working for several years as a teacher's aide at a school. You got to know him as a year 10 student at that school. You developed a friendship of sorts with him. He left that school at the end of year 10 to continue his education at another institution in year 11, but you and he kept in touch for a time by emails and in other ways. You were attracted to him. You realised that there was an inappropriateness in having any sort of close relationship with him. You were a little bit flirtatious in your messages. But you ceased contact in January 2021.

Then one night in March, the boy was at a party. Apparently he was egged on by mates to get in touch with you. He got in touch with you. You had been going through a bad time of your life. Your marriage had ended. You were drinking to excess, although it is not suggested that you were under the influence on this occasion. You were at a low ebb emotionally. The boy got in touch with you, and you drove out and met up with him late at night. He got into your car. You had oral intercourse with him, sucking his penis, and subsequently had vaginal sexual intercourse with him, first in one position and then in another, and he ejaculated. It was the first time that he had had sexual intercourse. It was a very inappropriate first time.

Unbeknown to you, the boy had filmed your activities on his mobile phone. He sent videos of the oral and vaginal intercourse to some friends. The school authorities found out what had happened. They notified the police. One thing led to another. The boy made a statement. You were arrested and you were charged. And that is how we end up being here dealing with this today.

I do not need to tell you how inappropriate this was. Laws in relation to sex with minors exist for their protection because they usually are not mature enough to make good choices about sexual activity. That was exactly the situation here. I have been told that the boy was not strong emotionally and that he was somewhat lacking in self-esteem. It was not long before he became very embarrassed about what had happened. I now have a victim impact statement from him, describing how he withdrew from social activity, missed time at school, felt awkward in all sorts of ways, and is now terribly regretful that he lost his virginity, not with someone he loved, but with someone a generation older. Those are my words, but it is something he regrets.

It is true that he was 16 years and 5 months old, and if he had been seven months older this would not have been a crime. But he was an immature 16 year old, and I do not think the fact that he was nearly 17 is a significant mitigating factor. This has been a dreadful experience for him. You were in control of the situation. You should not have let it happen. You knew that, and you know it now. You took advantage of a friendship that developed because of your role in a position of authority as a teacher's aide. You breached the trust placed in you by the school authorities, even though this was a former student. You would not have been employed if the school had thought you might do this with a 16 year old former student.

The consequences for you have been extreme. You have had to resign from your job. You have lost your career as a teacher's aide. You have needed to make arrangements to retrain. You have had to explain yourself to your family. You have four children, aged from 12 to 19, three of them living with you. You have children of and around the age of the boy with whom you

had intercourse, and you have had to tell them about it. You have been embarrassed in your friendships with people of your own age. Most of them have stuck by you. I have received six excellent references. I have been told that one friend has wiped you. You are extremely remorseful. What you did was out of character. You have sought assistance from a psychologist at a very early stage. From the time you were charged you intended to plead guilty. That is very important because the boy has known from a very early stage that he will not need to come to court and give evidence.

As I indicated earlier, although this was a serious crime, I do not think it would be appropriate to send you to prison. You have no prior convictions of the slightest significance. You have family responsibilities and you are extremely remorseful. In my view, the most appropriate course is for me to impose a wholly suspended sentence of imprisonment. That should send a powerful message to you, and to others, as to how serious this sort of conduct is. Often people in the community do not regard a suspended sentence as much of a punishment, but the courts certainly do. And when you go looking for alternative employment, you might find that a conviction for this crime is a real obstacle to the obtaining of employment.

It crossed my mind that I should perhaps also consider ordering you to perform some community service, but I think, given that you have lost your career and had to face family and friends over all of this, there is little to be gained in adding some community service to the punishment that I am going to inflict.

I also have to consider whether your name should go on the Register under the *Community Protection (Offender Reporting) Act 2005*. I have to make an order to that effect, unless I am satisfied that you do not pose a risk of committing a reportable offence in the future. Based on all that I have been told about you, and particularly on Dr Jordan's report, I am satisfied that you do not pose a risk of committing a reportable offence, essentially a sexual offence in the future. You are not going to do something like this again, or re-offend in a sexual way. So I am not going to make an order under that Act.

However I convict you and sentence you to five months' imprisonment, wholly suspended on a condition that you commit no offence punishable by imprisonment for a period of two years.