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**IN THE CROWN COURT IN NORTHERN IRELAND
SITTING AT LAGANSIDE COURTHOUSE, BELFAST**

THE KING

v

GEORGE HENDRY

SENTENCING REMARKS

CHASEMORE HHJ

Introduction

[1] The defendant was found guilty of all counts on the indictment after trial, namely four counts of indecent assault and two counts of buggery with a boy under 16 years. Throughout the trial the defendant displayed a lack of remorse or empathy.

[2] I want to start by addressing BA.

[3] I want to address you first because often it feels to victims like the court process is all about the defendant and it is not. It is about you and dealing with what happened to you when you were a child.

[4] As you gave evidence in the trial, it was plainly obvious that you have been significantly traumatised throughout your life because of what the defendant did to you.

[5] You gave evidence that you came from a family with a number of problems. You had been in and out of care and at 15 years old you were placed in Palmerston and you were utterly alone. At a time in your life when you should have felt safe and cared for, this defendant took advantage of you when you could not have been more vulnerable.

[6] This should not have happened to you and circumstances deprived you of any means to protect yourself. The defendant ensured your silence to protect himself and to continue his abuse by threatening to have you moved to a more feared institution. It was clear that those threats terrified you and isolated you from anybody that could have helped you. In evidence you described being left in a crying heap on the floor, an image that depicted the utter misery this defendant was inflicting upon you.

[11] You say that your life has been totally overwhelmed by what happened to you, it has affected your mental health to the extent that you have been suicidal, and it has affected your ability to maintain a marriage, to bathe normally and everyday tasks we all take for granted are more difficult for you.

[12] In short, the harm caused to you has been catastrophic and you must take comfort in the fact you were able to come forward and report this and go through the trial process.

[13] I am mindful of the harm caused to you as I consider the proper sentence in this case.

[14] The facts of the offences are as follows. The defendant, in 1980 and 1981 was working as a House Parent in Palmerston Assessment Centre which was a childrens home designed for a temporary residence until a more permanent home could be found for children. The defendant's role was to supervise the children. The defendant has a number of previous convictions relating to other incidents of abuse he perpetrated while working at Palmerston which have been dealt with on three previous occasions.

[15] At Belfast Magistrates' Court on 17 September 1982, the defendant was convicted of nine counts of indecent assault involving seven male residents at Palmerston between 1978 and 1981. Those indecent assaults involve touching and rubbing on the bottom, taking pyjamas down, bending a boy over the bed and gently smacking him on the bottom, bending boys in their underpants over the bath and smacking their bottoms, and touching of genitals. BA was one of the complainants on this occasion and alleged his bottom being touched by the defendant as he climbed the stairs. Her described in the evidence striking the defendant on this occasion and being made to apologise to him.

[16] At Newry Crown Court on 1 June 2022, the defendant was convicted of three counts of indecent assault in 1979 and 1980 on a single male resident aged 11 or 12. The first involved smacking the bare bottom over the defendant's knee, the second involved squeezing the complainant's bottom and the third involved the defendant using his thumb to penetrate the complainant's anus.

[17] At Laganside Crown Court on 23 April 2024, the defendant was convicted of two counts of indecent assault in 1980 on a male resident aged eight or nine. He placed the complainant on his knee, smelt his hair and touched his chest, and on another other occasions washed his genitals and hit him across the face with a wet face cloth.

[18] The defendant has yet to face a custodial sentence for any of the abuse he inflicted at Palmerston.

[19] The complainant in this case, BA, had a difficult childhood and at age 15 he was placed in Palmerston. He said that he was viewed as 'cocky' and therefore had a few run-ins with the defendant. He had a room on his own and the defendant would sometimes work shifts that covered his corridor at nighttime.

[20] Count 1 relates to an incident where BA was alone in his room and the defendant came into the room and asked BA about his girlfriend. He asked 15 year old BA whether he was doing anything sexual with his girlfriend and when told that he had not, the defendant proceeded to show BA what he could do with his girlfriend, rubbing his hand up and down BA's leg and touching him until he was aroused. At first this was over the blanket on the bed, and then the defendant put his hand under the blanket, touching BA inside his underwear. The defendant's demeanour then changed, becoming more frightening and he then made BA touch him, putting BA's hand on his penis.

[21] BA recalls the defendant then coming back to the room later and threatening BA that if he told anybody what he had done he would make sure that BA was sent to Rathgael, something BA feared. For a young boy placed in care, with nobody to turn to, this threat had real impact upon him and he told nobody.

[22] Count 2 is an incident that happened a few days later. BA was in his bed when the defendant came in and stood over him while he was in bed. He told BA to sit up and open his mouth and the defendant took his penis out of his trousers and touched himself to get aroused before forcing his penis in the mouth of BA. He had hold of BA's hair and was pulling his head backwards and forwards until he ejaculated into his mouth. BA was gagging and had to swallow the ejaculate in order to breathe.

[23] When he had finished, he threatened BA with Rathgael and then left the room. BA described in evidence that he remembers lying there and crying and crying and wanting to run away but having nowhere to run to.

[24] Count 3 is a specific incident which occurred when BA was in the bathroom. He recalled being in the bath and the defendant came in and closed the door. BA told the defendant to get out but the defendant told him to lie there. BA tried to get out of the bath but became wedged in on his knees and the defendant pulled his zip

down, grabbed him by the hair and forced his penis in BA's mouth, rocking his head back and forth by holding his hair. The defendant left after ejaculating in his mouth and BA lay there crying. This incident had such an impact upon him that he even now gets out of the bath without drying himself as he still fears what happened.

[25] Count 4 is a specimen count and involves the defendant forcing BA to perform oral sex upon him on two other occasions.

[26] Count 5 is the first time the defendant buggered him. BA was in his bed and when the defendant came around the bedrooms for lights out, he lingered in the doorway of BA. He then came in the room and told BA to sit up, but BA said he did not want to. The defendant then made BA kneel on the floor with his hands on the bed. He recalls the defendant getting on the floor behind him, feeling the defendant's hand on his back and then the defendant told him to pull his bottom cheeks apart. He described in evidence "I felt this pain, I've never felt pain like it, it went on and on." He said he "near ripped me apart." BA was nearly screaming as the defendant buggered him and the defendant was telling him to shut up, and so he put his head in the bedclothes. The defendant left BA in a heap on the floor, and he then got into bed and cried.

[27] He was clearly badly hurt as a social worker Terry Smith noticed and asked him if he was hurt the next day but he lied and said he had hurt his hip. In fact, his anus was bleeding.

[28] Count 6 is a specimen to reflect the buggery happening on numerous times, he estimated five times. He said the defendant would always have a hand on his back and tell him to shut up when he squealed in pain. He would ejaculate inside him and BA would bleed from the anus afterwards. He would ejaculate inside BA, who would recall brown liquid coming out of him and having to clean himself in the bathroom. He is left thinking still he smells of faeces all these years later.

Defence submissions and PSR

[29] I have read a presentence report prepared for the defendant's sentencing exercising for previous matters dated 25 February 2022 and an addendum report by Mr McFarland dated 21 October 2025.

[30] The defendant is now 83 years of age and has been remanded in custody since he was convicted on 21 October 2025. Prior to his remand he lived alone and was receiving the state pension. He has no family and has never been in a sexual relationship. At the time of his pre-sentence report for his court appearance in 2022, he was described as socially isolated and lonely.

[31] The defendant has a number of health difficulties including asthma, angioplasty, osteo-arthritis, hearing loss, hypertension and kidney problems resulting in the use of a catheter.

[32] The defendant was taken into care in his infancy and recalls a difficult upbringing characterised with a lack of warmth and empathy and he was subject to physical and sexual abuse on regular occasions.

[33] It is right and proper to have regard to the defendant's own difficult background, which involved being in care himself and being subject to physical and sexual abuse as a child in care. But sadly, many of the perpetrators of crimes such as this have such a background and I do not therefore view it as exceptional to justify suspending a sentence. It is of note that having suffered as a child in care himself, rather than making him more suited to the role of House Parent, he has chosen to subject a new generation to the abuse he himself suffered.

[34] I note from the addendum PSR that the defendant still denies the offences and is disparaging towards the victim. I have yet to see any evidence of remorse. He is not deemed to be a significant risk of serious harm due to the age of offending primarily, but he is deemed to be a high risk of reoffending.

[35] Defence submissions ask me to regard this defendant as vulnerable, through his medical ailments and his age. I was provided with a report of Dr Curran dated 9/10/22, prepared for a previous case, which concluded that "If a custodial disposal is directed by the court it would be my opinion that Mr Hendry is more likely than other members of society to find himself decompensating psychologically and there is a possibility of increasingly depressed affect presenting."

[36] They accept that this is a case of high culpability, high harm and low risk.

Aggravating features

[36] The aggravating features are as follows:

- This was one of the most serious breaches of trust there can be. BA was not only in the defendant's care, but in circumstances where he was particularly vulnerable. He, in his words, had nowhere to run to.
- The defendant exploited the opportunity.
- The defendant was a senior employee and was regularly in sole care of residents in the evening and at nighttime.
- The age gap between the defendant and the complainant.

- The offences were particularly brutal. In forcing BA to perform oral sex he grabbed him by the hair and physically pulled his head back and forth. For the buggery charges BA was squealing in pain and was physically bleeding at the end of it.
- The defendant used threats to ensure that he could remain undetected and continue the abuse, and the threats were directly related to sending BA to live elsewhere, capitalising on the vulnerability BA had as a child in care.
- The defendant ejaculated into the mouth or anus of BA.

Mitigating features

[37] The mitigating features are as follows:

- The defendant's age.
- The defendant had a difficult background and suffered abuse as a child.

Sentencing guidelines

[38] The following sentencing guideline cases were referred to:

(i) *R v SG* [2010] NICA 32

“... the culpability of the offender will be the primary indicator of the seriousness of the offence. It would also be necessary to take into account the age and vulnerability of the victim, the age gap between the child and the offender and the youth and immaturity of the offender.”

(ii) *R v Millberry & Ors* [2003] 2 Cr App R (S) 31, in which it was stated that in assessing the gravity of an individual offence, there are broadly three dimensions to consider. The first is the degree of harm to the victim; the second is the level of culpability of the offender and the third is the level of risk posed by the offender to society.

(iii) The prosecution distinguish this case from the case of *R v Bell, David (DPP's Appeal)* [2021] NICA 5, involving a breach of trust, the appellant having abused the victim over a protracted period of time when he was between five and 10 years old and the most serious abuse consisted of penile penetration of the victim's mouth. The Court of Appeal stated that range of five to eight years would have been commensurate with the offending in that case, before applying a discount for personal mitigation and remorse and then according

credit for a guilty plea. The prosecution say that repeated instances of buggery place this case in a higher category.

- (iv) *R v Finnegan, Colin* [2014] NICA 20, the respondent committed multiple sexual assaults on five boys. Four of them were children at the material time and he was aged between 14 and 28 years. These offences took place in connection with activities of a local scout group. The respondent persisted in his assaults despite resistance from the victims and inflicted pain and injury. Victim Impact statements indicated serious long-term psychological consequences to the victims. The respondent had a difficult upbringing involving domestic abuse and serious sexual assault when he was eight years old. He failed to recognise any distortions in his thinking and denied attraction to pre-pubescent males. He received an original sentence of 11 years' imprisonment and following the reference the sentence was increased to 13 years.
- (v) *R v Kubik* [2016] NICA 3 gave the sentencing range for rape in cases involving aggravating features as 8-15 years.

Case regarding the defendant's age and medical conditions

[39] The case of *R v Vincent Lewis* [2019] NICA 20, reminds me that:

“... the court is always entitled to show a limited degree of mercy to an offender of advanced years because of the impact that a sentence of imprisonment can have on an offender of that age.”

Culpability and harm

[40] In considering the harm in this case, I have been provided with a victim impact report prepared by Dr O'Connell, a clinical psychologist dated 9/12/25.

[41] In my assessment of harm, I have taken into account the tragic reality that the victim in this case has suffered abuse from people other than the defendant. Whilst this is true, the report notes that the abuse at the hands of the defendant has 'had a chronic and significant negative impact on BA's mental health and of his functioning. Indeed, Dr O'Connell notes that his symptoms are consistent with a diagnosis of PTSD. She states that the actions of the defendant have 'had a prolonged and damaging effect on his mental health and functioning, and she believes that these experiences will continue to cause the victim significant distress as he moves forward into the future.

[42] My finding of harm can be nothing other than high.

[43] As regards culpability, the nature of this abuse and the defendant's position of trust at the time of committing offences leads me to conclude that the culpability must be regarded as high.

Sentence

[44] Previous courts have exerted mercy and you have never had an immediate custodial sentence imposed upon you before. I note that the 2022 case was referred as 'unduly lenient' and the Court of Appeal did not interfere with the suspended sentence imposed for those offences, one of which involved inserting your finger into the bottom of a young boy. I note that in order to interfere with the finding of exceptionality that resulted in the suspended sentence, the court were aware that such matters were in the discretion of the judge of first instance. The Court of Appeal could only interfere if they found the decision to regard the defendant's mitigation as exceptional was 'clearly wrong' - it was not for the Court of Appeal to determine whether they would have made the same decision.

[45] I am asked by your counsel to consider exceptionality in this case for the same reasons and it remains within my discretion. These offences are far more serious, both in culpability and in the harm caused. When I consider whether previous sentencing courts would have passed the same sentence if these matters were before the court at that time, I have to conclude that they certainly would not.

[46] This offending is so serious that only a custodial sentence is appropriate and your circumstances are not sufficiently exceptional to suspend a sentence of this seriousness. I have borne in mind your age and the difficulties you may have in serving this sentence, but any reflection of this has to be modest as you have managed to live your life without being punished for these offences, whereas the life of BA has been significantly impacted since your abuse, some 45 years.

[47] Counts 4 and 6 are the specimen offences and I will use those counts as headline offences to reflect the totality of offending. They will be served consecutively in order to ensure that the total sentence served adequately reflects the offending that took place.

[48] Count 4 reflects you forcing BA, a boy in your care, to perform oral sex upon you numerous times. You forcibly grabbed him by the hair and forced your penis in his mouth and pushed his head back and forth until you ejaculated. You threatened him to ensure he would not tell anybody what you were doing to ensure that you could continue this behaviour.

[49] I take a starting point of six years for this offence, bearing in mind your age I reduce that sentence to one of five years, half to be served in custody and half to be served on licence.

[50] Count 6 reflects repeated incidents of buggery, committed on a boy in your care, in his bedroom. The buggery was violent in nature, causing him extreme pain and as he screamed you told him to shut up and forced his face into the bed clothes. He was left bleeding afterwards with your ejaculate and other bodily fluids coming out of him. I take a seven year starting point which I have reduced to six years to reflect your age. Again, this will be served half in custody and half on licence.

[51] These offences will be consecutive and, therefore, your total sentence is one of 11 years' imprisonment:

Count 1 will be 2 years' imprisonment concurrent,
Counts 2 and 3 will be 4 years' imprisonment concurrent,
Count 5 will be 5 years' imprisonment concurrent.

[52] By virtue of this sentence you will be subject to the requirements of the Sexual Offender Register indefinitely.

[53] You will be added to the Barring list and disqualified from working with children and vulnerable adults.

[54] I have considered whether a SOPO is necessary and proportionate and note that one is already in force and I, therefore, decline to make one.