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IN THE CROWN COURT IN NORTHERN IRELAND
SITTING AT NEWRY COURTHOUSE

THE KING

v

JEFFREY DONALDSON

SENTENCING REMARKS

Mr Vaughan KC with Mr Smith (instructed by John McBurney Solicitors) for the Defendant
Ms Walsh KC with Ms O'Kane (instructed by Public Prosecution Service) for the Crown

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RAMSEY HHJ

Introduction

[1] This defendant was unanimously convicted by a jury at Newry Crown Court sitting on 22 June 2026 after a trial lasting four weeks. He was found guilty of a total of 18 counts one of rape, 13 of indecent assault and four of gross indecency with or towards a child which were committed against two female children spanning a period of time from 1985 through until 2008. In addition, the jury concluded unanimously that the co-defendant, his wife, Eleanor Donaldson who had been ruled unfit to stand trial carried out acts against both children. I propose to deal with her at a later stage when I am in possession of all relevant documents.

[2] I adjourned the case to enable the preparation of pre-sentence reports on the defendant and victim impact reports in respect of both of his victims. At the conclusion of the trial, Mr Donaldson was remanded in custody.

[3] I heard the plea in mitigation on 25 September 2026 and I then adjourned the matter until today to permit me to consider the submissions made and the authorities referred to in what is on any view a disturbing and disquieting case.

[4] Ms Walsh KC leads Ms O'Kane on behalf of the prosecution and Mr Vaughan KC together with Mr Smith represent the defendant. I am as always indebted to all counsel for their helpful submissions and reference to authorities not just during the sentencing hearing but also in the course of the trial.

[5] The factual background to this prosecution involves the evidence of two young women who went to the police back in March 2024 to tell them about sexual assaults committed by the defendant on them when they were children. I shall refer to the two victims throughout this judgment by the letters given to them during the trial designed to protect their identities.

[6] Counts 1 to 10 on the indictment against the defendant comprise the totality of his offending against B which included one offence of rape and nine of indecent assault. Counts 11 to 18 on the indictment represent the offending against A and include four indecent assaults and four of gross indecency.

[7] During the course of the trial I together with the jury heard all the evidence in respect of these counts and on the last occasion we were in court Ms Walsh summarised the facts behind those offences so there is no need for me to repeat the accounts of the victims in detail but a brief recap is required.

[8] The first count on the indictment is the rape offence committed against child victim B. At the time she was approximately between nine and 10 years of age and the defendant was 25 or 26 years of age. The first count of rape represents where he inserted his penis into the entrance of her vagina; during the same incident he rubbed his penis around her vulva and also digitally penetrated her. Those actions form the basis of counts 2 and 3 of indecent assault. She felt sick and wanted to scream out but she pretended to be asleep, hoping he would stop.

[9] Count 4 relates to an occasion where the defendant removed her clothing and touched her breasts in what was referred to in the trial as the living room incident. The evidence showed that the defendant's wife witnessed this. At that time child Victim B was aged 11 or 12 years.

[10] Counts 5 and 6 are specimen indecent assaults which relate to the defendant touching child Victim B's breasts on a regular basis from the age of between seven and eight years old until she was 12 or 13. Counts 7 and 8 are specimen counts of indecent assault involving the defendant touching her vulva again covering the same period of time on a regular basis.

[11] Counts 9 and 10 represent specimen indecent assaults which relate to those regular occasions on which he digitally penetrated the child victim B over the period of time between 1985 and 1991.

[12] The remaining counts on the Indictment relate to the child victim A. Count 11 is an offence of gross indecency with or towards a child. This involves the incident

where the defendant viewed her exposed genitals. At that time the child was aged 13 or 14 years old, and the defendant would have been a man of 40 or 41 years. Count 12 represents the incident where the defendant rubbed her breasts beneath her clothing. She would have been 11 or 12 years old at that time. Counts 13, 14 and 15 represent those regular occasions on which the defendant would have rubbed her breasts principally under her clothing over a period when she was aged seven or eight until she was 12 to 13 years old.

[13] Count 16 is the specific offence of gross indecency with or toward a child where he put his tongue in her mouth. She would have been 12 or 13 at the time. The final two counts in respect of child Victim A relate to those regular occasions where he would engage in the same activity.

[14] I have been supplied with a pre-sentence report on the defendant which has been compiled by Kathryn O'Loughlin who is a very experienced probation officer with whose reports the Court is very familiar. Mr Donaldson is now 63 years old. He was born and brought up in Kilkeel along with four brothers and three sisters. His father passed away in 2020. His mother is still alive. The defendant left school after "O" levels. He then commenced an electrical engineering apprenticeship with a company in Belfast. Around that stage in his late teenage years he developed an interest in politics, and this led to him working as a constituency agent for the local MP. He went on to work in financial services and became a certified financial planner. In 1997 he was elected as an MP and that led to what is described by the author of the report as a distinguished political career. He moved from the Official Unionist Party to the DUP in 2004 of which he eventually became leader in 2021. He remained so until his arrest on these charges in 2024.

[15] Throughout the course of the report the defendant stoutly maintained his denial of guilt notwithstanding the jury verdict and indeed made it clear to the probation officer that it was his intention to appeal the convictions. She indicates that denial on its own does not necessarily impede risk management but it does mean her offence analysis is therefore limited in range and scope. As was revealed at trial he has two previous convictions which are of some vintage and are unrelated to the current offences of which he has been found guilty.

[16] The defendant has been assessed as a medium likelihood of re offending and the factors giving rise to that assessment include distorted reasoning and thinking skills, risk taking behaviour over a prolonged period, lack of responsibility for offending, lack of victim empathy, breach of trust and beliefs which enable him to deny facts about the offending. In addition, he is currently assessed on balance as not meeting the threshold for presenting a significant risk of serious harm to others at this time. I agree with these assessments. By reason of his conviction he is now subject to the public protection arrangements for Northern Ireland and a local area public protection panel will be convened prior to his release from custody. I bear in mind what the author of the report said about the accused's offending. These offences are clearly concerning and represent a prolonged campaign of sexual abuse

upon young female children who were exposed to his abusive actions over two sustained periods.

[17] Turning now to the victim impact reports provided by the prosecution. It is often the perception of victims that there is an undue emphasis on the defendant at sentence hearings to the detriment of the very people who have been wronged by the criminal acts of the offenders. The reason why there appears to be a prominence given to the circumstances. of convicted persons is because it is important for the court to have all the available information to hand in order to ensure that the right sentence is passed. However, that does not mean that we forget the victims and indeed it might now be appropriate to concentrate on them.

[18] I am frequently supplied with reports from medical professionals in cases like this but I find that the personal accounts of victims are more effective. In my experience they are invariably heartfelt and articulate and these documents are no exception. I will not read these statements in full because they are of a private and personal nature but I do want to highlight certain matters contained in them

[19] The one feature of these statements which comes across most notably is the impact the trial process had on them. Criminal trials are never easy for the participants but all the more so when witnesses as here are subject to hurtful allegations. This was entirely the doing of the defendant.

[20] [Extracts from victim impact reports read.] Could I just pause there briefly and say that in addition to having these reports before the court which I have taken into account I also, as all trial judges have, an unrivalled advantage of not only seeing and hearing the testimony of both victims but also being able to observe their demeanour and reaction to giving evidence and being cross-examined. Accordingly, I am in no doubt about the permanent mark that this abuse has left on each of them.

[21] The prosecution have identified the aggravating features in this case. The defence have also helpfully provided assistance on this aspect of the case. I was reminded that I must guard against the danger of double counting. As I see it the aggravating features in this case are (i) the breach of trust of the gravest kind; (ii) the lengthy and protracted nature of the offending spanning many years; (iii) the youth of the victims which also takes into account the disparity in age between them and the defendant; (iv) the impact on both victims; and (vi) the fact that there are two victims.

[22] I asked Ms Walsh directly whether the prosecution identified any mitigating factors. She replied "no." Mr Vaughan put forward the hitherto lack of relevant convictions as a mitigating factor. I am afraid I cannot accept that. I note that in the recent decision of our Court of Appeal in *R v Hutton* [2024] NICA 19, the court observed that they considered the absence of a criminal record is a neutral factor and should not be recorded as a mitigating factor. I also bear in mind that *Hutton* was a case where the appellant had pleaded guilty and therefore the observation of the

Court of Appeal carries even greater weight whereas here a defendant has denied and continues to deny the offences.

[23] I should by way of passing comment state that of course the major and most important mitigating factor in cases like this is the admission of guilt. An accused person does not get a greater sentence because he contests a case but by doing so he is denied the very significant reduction in sentence that he would receive where he spares often vulnerable victims and survivors from the ordeal of giving evidence and having to relive traumatic events that have had substantial impact on their lives. In this case it is highly significant that the defendant denied the offences to police; he denied these matters in evidence and again to the probation officer he continues to maintain his denials. Sometimes one encounters acceptance or recognition of responsibility for one's actions in such reports after conviction and that allows for a modest reduction of sentence. Nothing like that occurs here and indeed he has doubled down in his denials. There has not been and doubtless will not be one word of regret, apology or shame from this man to at least provide his victims with some crumb of comfort.

[24] Now, if I may turn to the appropriate sentence. It is a well-established principle that in cases of this nature that I must consider the level of culpability of the offender, the degree of harm to the victim, and the risk posed by the offender to society. The authorities in this area were reviewed by our Court of Appeal in *R v Kubik* [2016] NICA 3. I have been referred extensively to this case by both counsel. In particular, at paras [14] to [17] the issue of appropriate starting points is discussed. Both parties do not dissent from the proposition that the eight year starting point is applicable in this case. I find no reason to disagree with that observation.

[25] In assessing the appropriate sentences for these offences, I have taken into account the aggravating features identified by the prosecution and listened to both counsels' submissions on them. I must do this in order to address the level of culpability of the defendant. I have already indicated what I see as the principal aggravating features in this case but there were some further oral submissions on the last day as to the issue of planning. The defence suggested that there is no evidence that there was planning in advance of the rape offence and referred me to the probation report which noted lack of grooming. Ms Walsh in response made it clear that the prosecution were not suggesting that the rape offence was meticulously set up months in advance but there had to be a degree of planning I take the view that this was not a spontaneous act but that there was a degree of preparation. Because of the presence of the aggravating features I regard culpability as high. I also conclude that the level of harm is high having regard to the contents of the victim impact reports. As far as the risk posed by the offender is concerned I agree with the pre-sentence report assessment that he is a medium risk.

[26] As made clear in *Hutton,* any judge sentencing for more than a single offence needs to have express regard to the totality principle. But, in a case like this, where

there were a variety of different offences, committed at different times, and more than one victim it was important for the judge to have particular regard to the overall length of the sentence that is intended to be imposed, in order to ensure that it was just and proportionate.

[27] Jeffrey Mark Donaldson, you are now 63 years of age, it is well known that you in the course of your political career have reached the very heights of public office and this is on any view a catastrophic descent into disgrace. It is only through the courage, resourcefulness and determination of two young women that you have been brought to justice in respect of the crimes you have committed against them when they were children. You have persistently denied these offences and continue to do so but you have been found guilty by a jury and it is now my duty to sentence you for these crimes. The following sentences are appropriate in my view. The important factor is to arrive at a global figure that properly reflects your offending.

[28] Accordingly, on the first count of rape in respect of victim B, I impose a sentence of 11 years' imprisonment. On the second count of indecent assault, I impose a sentence of 18 months' imprisonment. On Count 3 indecent assault, I impose a sentence of 18 months. The maximum sentence for these offences at that time was two years. On count 4, which has been described as the living room incident and involves the removal of her clothes and touching her breasts, a feature of which was interrupted by the arrival of the co-defendant you nonetheless continued the abuse. The prosecution have satisfied me that this offence was committed after the penalty for indecent assault was raised from two to 10 years and, accordingly, I impose a sentence of four years' imprisonment.

[29] Counts 5 and 6 are specimen counts of indecent assault involving touching breasts; counts 7 and 8 represent indecent assaults involving touching of genitals. These offences span a period which traverse the increase in sentence and accordingly the maximum sentence is two years. Consequently, on counts 5, 6, 7 and 8, I impose sentences of 18 months.

[30] The final counts in respect of victim B are counts 9 and 10 which relate to specimen counts of indecent assault involving digital penetration. These offences also traverse the increase in sentence. In order to properly reflect their gravity I impose sentences of 20 months on each which will run consecutively to each other making 40 months but concurrently to the other offences in respect of victim B so the overall sentence in respect of the offences against B will be 11 years' imprisonment.

[31] I then move on to deal with counts 11 to 18 which involve the offences in respect of victim A. These offences are not as grave as the offences in respect of B as there are no offences involving penetration but they are still examples of serious sexual abuse and that should not in any way lessen their impact on the victim. This becomes all the more apparent when one reads the personal statement of A.

[32] On Count 11 which is an offence of gross indecency I impose a sentence of two years' imprisonment. Counts 12 to 15 involve indecent assaults which comprise the accused rubbing her breasts under her clothing. This offending spanned a period from 1999 to 2008 and commenced when A was just eight years old. They were largely committed in a brazen fashion as she sat on his knee. These offences were committed when the maximum sentence was increased from two years to 10 years. I impose sentences of four years' imprisonment in respect of counts 12 to 15. The final set of counts relating to this victim are counts 17 and 18 which are gross indecency offences involving kissing. I impose sentences of two years' imprisonment. All sentences in respect of victim A to run concurrently to each other making an overall sentence of four years' imprisonment. However, I order that the sentences of 4 years in respect of victim A are consecutive to the sentences imposed in respect of victim B. I believe that this sentence reflects the culpability of the accused and the harm that he has caused and is commensurate with the gravity of the case as a whole.

[33] These offences occurred prior to the repeal of the Criminal Justice Order (NI) 1996 which means that where a court considers that a sentence of 12 months or more is appropriate then a custody probation order should be considered.

[34] A custody probation order should only be imposed where it is considered that the offender would benefit from probation at the conclusion of a period of custody and that it is deemed necessary to enable him to re-integrate into society or because of the risks that he would otherwise pose.

[35] In my view I do not think a custody probation order is appropriate. I take into account the assessment of the probation officer that he is a medium risk of re-offending and also the fact that he continues to deny these offences of which he has been convicted. When he is released from custody the appropriate period of licence under Article 26 will follow.

[36] For the avoidance of doubt, I do not have to specify the period in custody and on licence as these offences pre-date the commencement of the Criminal Justice (Northern Ireland) Order 2008. The 2008 Order ended the automatic 50% remission for prison sentences, and it is only for offences committed from 1 April 2009 onwards that judges are required to specify the period to be spent in custody and on licence.

[37] By virtue of your conviction, you are subject to the notification arrangements or the sex register as it is more colloquially known and in your case you will be on the Register indefinitely.

[38] The prosecution have applied for a Sexual Offences Prevention Order. These provisions are both necessary and proportionate and will remain in force for a period of 10 years following his release.

[39] By virtue of your conviction, you are also subject to certain ancillary orders. You may be placed on the Children's Barred List and on the Vulnerable Adults Barred List.

[40] I repeat that nothing can be published that might lead to the identification of the two victims in this case.