Neutral Citation No: [2026] NICC 24	*Ref:*	[2026]NICC 24
	ICOS No:	25/64324
*Judgment: approved by the court for handing down (subject to editorial corrections)**	*Delivered:*	19/11/2026

IN THE CROWN COURT OF NORTHERN IRELAND
SITTING AT DOWNPATRICK CROWN COURT

_____

THE KING

v

EF

_____

GREENE HHJ KC

Introduction

[1] At his arraignment on 22 September 2025 the defendant pleaded guilty to the following offences:

(i) Counts 1 & 2 were indecent assaults on a male, committed between 1 January 1976 and 25 September 1977. The victim was GF.

(ii) Count 8, Gross Indecency over the same timeframe and involving the same victim.

(iii) Counts 11, 13, 15, 16, 17, & 18, indecent assaults on a female between 28 May 1974 and 28 May 1985. The victim was HF.

(iv) Counts 19, 20, 21 & 22, indecent assault on a female, committed between 27 June 1985 and 27 June 1992. The victim was JF.

(v) Counts 26, 27, 28, 29, 31, 32, 33, were indecent assaults on a female between 17 May 1985 and 17 May 1993. The victim was LM.

Facts

[2] GF was the defendant's younger brother - they shared a bed at the family home for about six months. During that period of time he was abused. When he was eight and the defendant was 12 or 13, he woke to find that the defendant had placed the victim's hand on his penis and was using his hand to masturbate him. On another occasion he awoke to find the defendant had pulled his pyjamas down and he was wet between his legs. The victim believes he ejaculated over him. During

the six months he shared a bed with him - the defendant regularly got the victim to scratch or tickle parts of his body, around his legs, back chest bell and would get him to scratch his groin. On one further occasion the defendant showed him his genitals with the defendant having an erection.

[3] The aggravating features of this offending are that it occurred in the victim's bedroom where he should have been safe, he was very young, on two occasions he was asleep and more vulnerable when he was abused. GF died before his allegations were able to be prosecuted but those who survive him can be assured that his voice was heard and his allegations vindicated. His sister wrote his victim statement which I have read. She records how her brother struggled to come to terms with his abuse with feelings of shame and guilt and his struggles with alcohol and poor health. He died at 52 a broken man.

[4] HF is the defendant's younger sister. She was six years younger than the defendant. When she was seven or eight and the defendant 13-15 he was in his bedroom lying on the bed. He called her over and got her to masturbate him until he ejaculated. This is count 11.

[5] Counts 13, 15 and 16 related to offending that occurred in a shed at the family home. HF recalled little about these incidents but recalled the defendant licking and poking at her vagina when she was six or seven and the defendant about 12 or 13 to 15/16. Count 13 is the first time this happened, count 15 is a specimen count to reflect the repeat of this behaviour on further occasions and count 16 was a specific count of digital penetration.

[6] Count 17 was an occasion when he made her feel his erect penis over his clothing, count 18 was a specimen count covering the period when she was in Primary one until secondary school and the defendant would grope her breasts over her clothing and try to put his hand up her skirt and other intimate areas. While this offending was repeated the victim was not able to give details of what age the defendant was. This is not an uncommon scenario in historic sex allegations.

[7] The aggravating features of this offending are that it happened in the victim's own house, to a vulnerable and very young child, it involved skin on skin contact with ejaculation. It also was repeated for many years. I have read her victim statement - it is measured and moving. The impact on her has been that she carries a deep sadness, feels broken, ashamed and powerless. She has flashbacks with fear and anxiety. Even in the absence of medical evidence, it is possible to infer the sort of enduring impact this serious offending is bound to have on a person. She should, however, know that her voice was heard and listened to in making her abuser amenable for his offending against her.

[8] JF is the defendant's niece. She would visit her granny's house. The defendant would get her to go to his bedroom on the pretence of playing cards - there he lifted her onto him and moved her onto his groin. This happened on many

occasions starting when she was about four. On another occasion when she was about four, he rubbed the inside of her legs telling her she was a good girl. These are counts 19 and 20.

[9] Count 21 and 22, concerned behaviour when she was about 10 and the defendant 27/28. The defendant took her from her bed when he was babysitting for her parents. He sat her on his groin and moved her around his groin. He then rubbed her vagina with his finger inside her underpants.

[10] The aggravating features here are the considerable youth of the victim and the age disparity between them. The offending was carefully planned and a breach of trust in that he was her uncle and would have access to her by her parents who would have trusted him and some of the offending was committed while he was babysitting her.

[11] I have read her victim statement which sets out the impact of this offending on her. It has followed her into adulthood with experiences of anxiety and panic attacks and a very serious impact on her mental health.

[12] The last of this defendant's offending was committed against LM when she was between the ages of five and 12 and the defendant was 21-28 years old. This offending consisted of the defendant making her rub his penis, touching her when no one was looking, and on a number of occasions taking her to her granny's house pulling her pants down feeling her with his fingers and rubbing his penis on her vagina until he ejaculated. This happened on numerous occasions (counts 26 & 27).

[13] This behaviour escalated to a time when he performed oral sex on her at her granny's farmhouse and when he had finished, he then rubbed his penis against her vagina after performing oral sex. These are counts 28 and 29.

[14] He would babysit her and her brother and would play wrestling games with her and when her brother was distracted he would be on top of her rubbing himself - this sort of behaviour was constant. He would rub himself against her when she was sitting on his knee also on a persistent basis.

[15] The aggravating features are the persistence of the offending, her age at the time it commenced, its escalating nature, it was premeditated and well planned and it went on for a significant period of time.

[16] In her victim statement the pain and trauma this offending has had on her are vividly set out in what must have been a very difficult exercise for her to relive.

Sentencing framework

[17] At para [20] of *R v ML* [2013] NICA 27, dealing with historic sexual offending, the court said:

> "When assessing the appropriate sentence in an historic sex case for an offender who was a child at the time of the commission of the offence, we suggest that the following factors should be taken into account:
>
> (i) The statutory framework applicable at the time of the commission of the offence governs the scope of the sentence which may be imposed;
>
> (ii) The sentence should reflect the sentencing guidelines and principles applicable at the time at which the sentence is imposed;
>
> (iii) The primary considerations are the culpability of the offender, the harm to the victim and the risk of harm from the offender in the future;
>
> (iv) Where the offender was young and/or immature at the time of the commission of the offences that will be material to the issue of culpability. It is appropriate in considering that issue to consider what sentence would be imposed today on a child who was slightly older than the offender was at the time that he committed the offences; …"

[18] I have also had regard to the case of *R v O'Hara* [2022] NICA 1 in which the Court of Appeal considered a number of issues relevant to this case in particular the difficulty in historic prosecutions where there have been material post-offending and pre-sentencing changes in societal values and attitudes, the statutory maximum punishments and sentencing practice.

The applicable sentencing framework

[19] The offending concerning GF and most of the offending against HF occurred before the defendant was 16. The sentencing framework for offending by a juvenile under 16 years of age until 1998 was the Children and Young Persons (Northern Ireland) Act 1968 ("the 1968 Act").

[20] The timeframe on the indictment for some of these offences against HF spans to a year when the defendant would have been over 16. Except for counts 17 and 18, the prosecution cannot say the defendant was over 16. The defendant is entitled to the benefit of any doubt and must be sentenced on a basis most favourable to him for those counts. This is a feature of many historic allegations where memories are not clear regarding timelines. The defence accept that for part of the offending at

count 17 and 18 he had reached the age of 16. It is assumed that he was close to that age and most likely under 18 when that offending occurred.

[21] Section 74 of the 1968 Act deals with the powers of courts on finding of guilt of juvenile offenders and is in the following terms:

> "Subject to section 77(1) (remittal) any court by or before which a child or young person is found guilty of an offence punishable in the case of an adult with imprisonment (other than an offence to which section 73(1) applies) shall, in addition to any other powers exercisable by virtue of this Act, the Probation Act (Northern Ireland) 1950 or any other Act, have power
>
> (a) to order him to be sent to a training school;
>
> (b) to commit him to the care of a fit person, whether a relative or not, who is willing to undertake the care of him;
>
> (c) if he is a child, to make a supervision order with respect to him;
>
> (d) to order him, under section 135, to attend at an attendance centre;
>
> (e) if it considers that no other method of dealing with him is suitable to commit him to custody in a remand home.
>
> (2) ... deals with committing a child or young person to the care of a fit person.
>
> (3) deals with committal to custody in a remand home."

[22] Section 73 deals with the powers of a court in dealing with a child or young person convicted on indictment of a grave offence, defined as one for which in the case of an adult imprisonment for a term of 14 years or more is available to the court. None of the offending against GF and HF falls under section 73.

[23] Therefore, the statutory framework for the defendant's offending until he reached 16 provided a power to order detention for children or young person only if he had committed a grave offence. For non-grave offending the power to detain existed only for a young person who had attained the age of 16 and was limited to the statutory maximum or four years whichever was the lesser; this is under section

5 of the Treatment of Offenders Act (NI) 1968. The defendant must be sentenced under the statutory regime in place at the time of the offending insofar as it is possible or be subject to a comparable disposal. He cannot be subjected to a harsher sentencing regime. A custodial sentence would be a harsher penalty and is therefore not available for offending before he turned 16 no matter how serious the offending is individually or cumulatively.

[24] The victims in the offending impacted by this will doubtless feel that the defendant will not be punished for this offending at all. That is understandable but is subject to two observations. Firstly, as I have already set out, the court cannot sentence an adult to a more severe punishment than he would have been at risk of at the time of the offending and when he was a child simply because he is now an adult. Secondly, this offending does feature as an aggravating factor in the later offending. Whilst it's impact as an aggravating factor has to take account of his age at the time, the closer the defendant gets to 16 the more culpable he is for that offending.

Sentencing guidelines

[25] The maximum sentence of two years on most counts of child abuse has been much commented on in numerous cases before the law was finally changed and a more purposeful and appropriate maximum sentence was legislated for. This occurred in 1989.

[26] The general approach of the courts to sentencing in cases involving the abuse of young children was summed up by the Court of Appeal in *R v QD* [2019] NICA 23:

> "[37] The maximum sentence on indictment is 14 years imprisonment.
>
> [38] The approach to sentencing in cases involving sexual abuse of young children has been set out in *Attorney General's Reference (No. 2 of 2002)* [2002] NICA 40 by Carswell LCJ who stated:
>
> > 'Counsel for the Attorney General submitted that the course taken by the judge was excessively lenient and that it failed to reflect the gravity of the offence, the need to deter others, the obligation to protect the most vulnerable members of society, the grave public concern and revulsion aroused by this type of offence and the importance of maintaining public confidence in the sentencing system. He pointed to the remarks

> of this court in Attorney General's Reference (No. 3 of 2001) (2002, unreported) at page 8, where we placed renewed stress on the necessity for the courts to mark emphatically the abhorrence of acts of child abuse, which he submitted were, mutatis mutandis, entirely apposite to the present case and had not been taken into account by the judge. In a similar vein were the court's remarks in *Attorney General's Reference (No. 2 of 2001)* [2002] NIJB 117 at 122a:
>
> > "It is a prime function of criminal justice to impose condign punishment on those who attack vulnerable members of society, in order to deter others from following their example.'
>
> Also, in *Attorney General's Reference (No. 4 of 2005) (Martin Kerr)* [2005] NICA 33, Kerr LCJ stated that:
>
> > 'This court has repeatedly warned that sexual offences against young children will be met with severe punishment …'
>
> We confirm that this remains the approach to sentencing in cases of this nature.
>
> [39] In *R v Millberry & Ors* [2003] 2 Cr App R (S) 31 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 proposed by the offender to society. Those three dimensions were approved by this court in *Attorney General's Reference (No 2 of 2004) (Daniel John O'Connell)* [2004] NICA 15 and *Attorney General's Reference (No 3 of 2006) (Michael John Gilbert)* [2006] NICA 36. We consider that it will always be necessary to consider any individual case as a whole taking into account the three dimensions to which we have referred."

[27] It also goes without saying that each case is dependent on its own facts and that very often other decided cases are of limited relevance for that reason.

Harm

[28] I have read and considered the victim statements of all four victims. In addition, the prosecution read out the victim statement of LM. Each victim spoke of the harm and lasting impact this offending had on them.

[29] On this issue the court observed in *R v GT and HT* [2020] NICA 51, at para 64:

> "[64] There is one consideration in particular which may not have been sufficiently highlighted in previous decisions of this court. We consider that every victim of sexual offending presumptively suffers emotional distress and psychological trauma from an early stage of the criminal justice process. In many cases this will begin when a report is first made to the police. In other cases it will commence when the injured party first becomes aware of a police investigation. There may be other variables. Furthermore, the degree of the emotional distress and psychological trauma will vary from case to case. While we consider it appropriate to assume this impact in every case the court will always pay careful attention to any available relevant evidence, such as a psychologist's report (as in the present case)."

[30] Given the nature of the offending, the age they were at the time and the duration of it, I conclude that the harm caused to each victim is significant and life changing. I sense they are a close family from their attendance at court and the comfort I have witnessed them provide to each other as the details of their abuse was opened before me. It took great courage for them to speak up about this abuse and I think their brother's actions in coming forward gave each of them the bravery to do so too.

Culpability

[31] The defendant's culpability is informed by the following matters:

- His abuse of four very young children.
- It was repeated and went on for prolonged periods of time.
- It was predatory.
- It was well planned.
- Its significant impact on the victims.
- The offending was a serious breach of trust for two of the victims.
- There was an escalation of the offending involving skin on skin contact and the most intimate invasion of the victims' bodies.

- The defendant's culpability is assessed as very high.

Risk

[32] He is assessed by probation as low risk of general re-offending and not a dangerous offender. He is assessed as an average risk for sexual reoffending.

Mitigation

[33] The defendant pleaded guilty at arraignment. These pleas would have been of particular value to these victims given the impact of this offending on them and the vindication that it provides for their memories of this horrendous period of their lives.

[34] Given my evaluation of the sentencing landscape, most of the custodial sentences I intend to pass for this offending are not mitigated by the defendant's youth because he was a mature man by the time of that particular offending. For the offending at counts 17 and 18 I have taken into consideration his youth at the time of this offending as he is likely to have been under 18 at the time. For the offences committed when he was under 16 he cannot receive a custodial sentence. I have, however, taken into account the impact of this period of offending on the later offending as an aggravating factor. That impact has been mitigated significantly as an aggravating factor by his youth at the time of this earliest offending.

[35] I have had regard to the contents of the pre-sentence report and accept the defence point at the basis of plea inaccuracies contained therein. The defendant accepts responsibility for his offending expressing shame and disgust at his behaviour. Probation note limited victim awareness and insight into his offending but I accept his remorse is genuine and his apology to the victims as sincere.

[36] It is well recognised that in this type of predatory offending personal circumstances carry less weight than would normally be the case, see *R v GM* [2020] NICA 49 at [47].

Sentence

[37] None of the child centric disposals set out in section 74 of the 1968 Act are now available for the offending before the defendant was 16. The available options for those offences is either a discharge or some other equivalent to those sentencing options that were available to the court during the period of this offending.

[38] The offending against LM and JF occurred when the defendant was a mature man. It occurred against both at about the same time and lasted for a significant period of time. This was a prolonged period of serious sexual offending against two very young children with a number of aggravating features; their considerable youth, JF was four when the offending against her commenced and LM as young as

five; there was an abuse of trust by a trusted male relative; the significant number of offences which were premeditated and predatory in nature; and finally, the impact of this offending on the victims especially the ruination of their childhood and the continuing sequelae to them.

[39] By the time this offending had commenced the defendant already had a significant history of serious sexual offending committed while he was under 16. The defendant is criminally responsible for that offending and I intend to treat those offences, particularly those committed closer to his 16th birthday as an aggravating feature of your later offending.

[40] This offending is so serious that only an immediate custodial sentence can be justified for it. The global starting point for all this offending had you contested the case would have been nine years' imprisonment.

[41] I intend to pass a mixture of concurrent and consecutive sentences for this offending. The offences at 17-22 are concurrent with one another; the offending at counts 26 & 27 are concurrent with one another but consecutive to counts 17-22; the offending at counts 28 & 29 are concurrent with one another but consecutive to counts 17-22 and counts 26 & 27; the offending at counts 31-33 are concurrent with one another but consecutive to counts 17-22, 26 & 27, 28 & 29.

Counts 1, 2, 8, 11, 13, 15, 16 - Absolute Discharge

Count 17 Six months

Count 18 Six months

Count 19 18 months

Count 20 Nine months

Count 21 12 months

Count 22 30 months all concurrent with each other

Count 26. 18 months

Count 27 18 months concurrent to count 26 but consecutive to counts 17-21

Count 28 18 months

Count 29 18 months concurrent with count 28 but consecutive to counts 17-22, and 26 & 27

Count 31 Nine months

Count 32 Nine months concurrent

Count 33 Nine months concurrent to count 31 & 32 but consecutive to counts 17-21 and 26-27, and 28-29.

Total of six years three months.

[42] I have stood back to consider the totality of this offending and whether the sentence fairly reflects the offending and ensured that the use of consecutive sentences has not produced a sentence which is too long. Given the overall seriousness of your offending, a sentence of six years three months after a plea is not a day too long.

[43] Under the Criminal Justice (NI) Order 1996 ("the 1996 Order") I am required to consider whether it would be appropriate to make a custody probation order in this case under Article 24 or pass sentence under Article 26. I have considered the caselaw on this issue as set out in *R v O' Connell* [2004] NICA 15. I have determined that an Article 26 disposal is not needed to protect the public from serious harm from the defendant nor the prevention of the commission of further offences and the securing of his rehabilitation. The long-term risk of re-offending and the need to protect the public indefinitely are not present in this case. Whatever risk exists can be catered for by the imposition of a sexual offences prevention order ("SOPO"). This is primarily because these are historic offences and the defendant's behaviour in the intervening years do not raise the sort of concerns that engage such a license.

[44] I am still required to consider whether a custody probation order is appropriate under Article 24 of the 1996 Order. Given the nature of the offending and the risk assessments made by probation I do not consider that the effect an additional period on supervision by probation on his release from custody would afford any greater protection to the public from harm from him or for preventing the commission by him of further offences that would not be achieved by the period on license to which he will be subject.

Ancillary Orders

There will be a SOPO given that in my view the test of necessity set out in the *O'Hara* judgment has been satisfied. Each of the terms are proportionate.

Sex offender's register for life.

A disqualification order under the Protection of Children and Vulnerable Adults (NI) Order 2003.

By virtue of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 the defendant may be barred by virtue of his conviction. The Independent Safeguarding

Board may include him on the barred list relating to children/adults and he should be notified accordingly.

Offender Levy £50.