Neutral Citation No: [2024] NICC 33 *Judgment: approved by the court for handing down (subject to editorial corrections)**	***Ref:*** **ICOS No: 23/055797 – [24 Counts]** **ICOS No: 22/044529 – [90 Counts]** **ICOS No: 23/055780 – [16 Counts]** ***Delivered:* 10/12/2024**

IN THE CROWN COURT IN NORTHERN IRELAND
SITTING AT DOWNPATRICK COURTHOUSE

THE KING

v

DAVID ANDREWS

Defendant

Mr R Weir KC with Ms R Walsh KC (instructed by the Public Prosecution Service) for the Crown
Mr N Hunt KC with Mr C Sherrard (instructed by McLaughlin & Co) for the Defendant

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SENTENCING REMARKS

The provisions of the Sexual Offences (Amendment) Act 1992 (as amended) apply to protect the victims of the sexual offences to which this judgment relates. Accordingly, no matter should be reported which is likely to lead members of the public to identify each of those young persons as a victim of one or more offences.

HIS HONOUR JUDGE MILLER KC

Introduction

[1] At the outset I wish to record my gratitude to Mr Weir KC, Ms Walsh KC, Mr Hunt KC and Mr Sherrard for their comprehensive written submissions, which have been of immeasurable assistance to the court in the preparation of the sentencing remarks for this complex case.

[2] In addition, particular thanks are due to the defendant's solicitors, the late Mr McLoughlin and his daughter, Ms McLaughlin for their dedicated commitment to this case and to ensuring that the defendant was engaged and focused throughout these protracted proceedings. This was never more evidenced by Ms McLaughlin

who continued to provide expert guidance at the time of her father's untimely death, when it would have been completely understandable had she stood back from this case. Such commitment to her client is in the finest traditions of the profession and it is only right that this is publicly acknowledged.

[3] The defendant, David Andrews was committed for trial on 27 August 2021 and originally appeared at Belfast Crown Court before HHJ Rafferty QC on 24 September 2021 on a single indictment [ICOS No: 21/052002]. This comprised 63 counts alleging offences involving the sexual abuse of girls via social media, together with allegations of blackmail, possession of indecent images and threats to kill against these children. The charges also included allegations of rape and sexual abuse committed against a profoundly disabled young female to whom he had access (identified in these remarks as "RG").

[4] Given the combination of the complexity of the charges and the defendant's own mental health issues, the arraignment was adjourned on several occasions. Eventually, however he was arraigned on 27 January 2022, when he entered not guilty pleas to all counts and the case was set down for trial.

[5] The defendant was also returned for trial on 29 June 2022 and appeared at Belfast Crown Court before HHJ McColgan KC on 23 November 2022 on ICOS No: 22/044529. This comprised 132 counts of a similar nature to those set out in ICOS No: 21/052002, to all of which he entered "not guilty" pleas.

[6] Much, though, by no means all, of the evidence was contained in the defendant's admissions to police during interview conducted on 28 March 2020. The evidence relating to the offences allegedly committed against RG, who was incapable of contributing to the investigation, was almost exclusively based on his admissions during this interview.

[7] Defence counsel requested a voir dire on the admissibility of the defendant's admissions, and I was asked to conduct this hearing, which ran for six days between 20 and 27 March 2023.

[8] During this hearing the court heard evidence from two Consultant Psychiatrists, Dr Hussein (on behalf of the defendant) and Dr Bunn (on behalf of the Crown). The defendant's complex medical history was outlined in detail by both experts with the respective views as to the impact of his condition on the reliability of his confession, being fully ventilated. On 6 April 2023, I handed down a detailed ruling admitting all but a small portion of the interviews.

[9] Thereafter on application, the court ruled on 20 June 2023 that the indictment, [ICOS No: 21/052002] should be split, and a second indictment be prepared with 43 counts comprised on ICOS No: 23/055797 and the remaining 20 counts (relating to RG) were comprised in ICOS No: 23/055780. It was agreed that I should retain control of the entire case and therefore this should follow me to Downpatrick on my

return in late August 2023 after the end of the Covid enforced exile in Laganside from March 2020.

[10] ICOS No: 23/055797 – KA and Others indictment – [43 counts] was listed to commence at Downpatrick Crown Court on Monday 2 October 2023. A jury was not empanelled on that date as discussions were ongoing. On 4 October, the defendant entered guilty pleas to 24 counts [1 to 7, 9, 11, 13, 21 23, 25, 26, 28, 29, 32, 33, 35, 36, 37, 39, 41 and 43]. An application was made for all remaining counts to be left on the books.

[11] ICOS No: 22/044529 – [132 counts] was brought forward to 9 October 2023, when the defendant applied to be re-arraigned and pleaded guilty to 90 counts [1, 2, 3, 6, 7, 9, 11, 13, 15, 16, 18, 19, 22, 23, 25, 26, 28, 29, 30, 33, 34, 36, 37, 39, 41, 42, 43, 44, 46, 48, 49, 51, 52, 54, 55, 56, 57, 59, 60, 63, 64, 66, 67, 68, 70, 72, 73, 75, 76, 77, 78, 79, 81, 84, 85, 86, 87, 88, 90, 91, 93, 95, 96, 98, 99, 100, 101, 103, 104, 105, 107, 108, 110, 111, 112, 115, 116, 117, 118, 120, 121, 122, 124, 125, 127, 128, 129, 130, 131 and 132]. Again, application was made for all remaining counts to be left on the books.

[12] The final case [ICOS No: 23/055780] focused on the charges relating to RG and the trial commenced at Downpatrick on Tuesday 23 April 2024. Prior to a jury being empanelled the defendant entered guilty pleas to counts 5 to 14. These are offences of sexual activity by an adult with a person with a mental disorder impeding choice and causing or inciting a person with a mental disorder impeding choice to engage in sexual activity contrary to Articles 43 and 44 of the Sexual Offences (Northern Ireland) Order 2008 respectively.

[13] The following day (24 April) and after the trial commenced, guilty pleas were entered to counts 15 and 16. These are offences of engaging in sexual activity in the presence of a person with a mental disorder impeding choice contrary to Article 45 of the 2008 Order.

[14] On Thursday 25 April, guilty pleas were entered to counts of attempted rape at counts 3 and 4 contrary to Article 5(1) of the 2008 Order. Furthermore, on this same date, pleas were entered to counts 1 and 2 based on "attempts" and not the full offence. The Crown accepted these pleas, and this effectively dealt with the entire indictment and the jury was duly directed to return the appropriate verdicts and then discharged.

[15] Mr Weir KC and Ms Walsh KC have helpfully set out in detail, the evidence in support of each of the 130 counts to which the defendant has entered guilty pleas across the three bills of indictment. This has been invaluable to the court in its consideration of the defendant's methodology, how he manipulated his victims and how he sought to explain and justify his actions to police, psychiatrists and probation. No issue is taken by Mr Hunt KC and Mr Sherrard of this factual analysis, with the defence submissions focusing not so much on what their client has done but on the degree of risk he presents both now and in the future.

[16] For the purposes of these sentencing remarks, I shall summarise the general nature of the offending with specific examples drawn from both ICOS No: 23/055797 and ICOS No: 22/044529, (the 'catfishing' cases). I shall adopt a similar approach towards ICOS No: 23/055780 highlighting the general nature of his activities rather than repeat every aspect as set out in the comprehensive Crown outline. I purposely do so not just on account of the vast number of charges but most specifically because those details are, in the main too harrowing and vile to be repeated in these remarks. It should, however, be understood that in my approach to the sentencing exercise I have taken fully into account the depravity of the defendant's behaviour with and towards his victims.

[17] Furthermore, whereas many of those victims are named in the indictment there are many others, both in the United Kingdom and abroad, whose identities and whereabouts cannot be fully established. This means that the court has no means of establishing what the impact of the offences has had on these individuals and what has been the consequences for them.

[18] I shall however consider the impact on the complainants, who have been identified and from whom victim statements have been received. In the case of RG, she is unable to speak for herself, but the court has the benefit of the input of a report by a carer and can exercise its own judgment on the impact on this particularly vulnerable victim of the sustained abuse suffered at the hands of the defendant.

[19] Finally, I shall examine the defendant's personal circumstances and apply the relevant guidelines to determine the sentence I believe to be proportionate to the seriousness of the offending and the risks presented by the defendant both now and in the future.

Background to the defendant's arrest and interview

[20] Following reports filed with police in Derbyshire by or on behalf of several child victims, the defendant's IP address was identified as the source of the communications grounding the complaints of activity, which has been described colloquially as 'catfishing', which more accurately involved the abuse, corruption and intimidation of children.

[21] On the evening of Friday 27 March 2020, PSNI officers attended at the defendant's home at Belgravia Avenue, Belfast. The defendant was present, and he was arrested by D/Con O'Neill at 6.50pm. A search of the apartment was carried out both that evening, and the following day and several items were seized in pursuance of the investigation into the alleged offending.

[22] The defendant was brought to Musgrave PSNI Station where his arrest was authorised by the Custody Sergeant. A brief medical assessment was carried out by Nurse Laverty (MHN) who deemed him fit to be detained but not fit for interview.

This assessment appears to have been based on a combination of matters, namely his known mental health issues together with his self-reported consumption of cocaine at some unspecified time prior to his arrest. Nurse Laverty advised that the defendant required rest and should be medically assessed the following morning.

[23] The defendant was interviewed the following day between 11.27am and 12.37pm and then from 1.19pm to 1.54pm. During the first interview evidence pertaining to the investigation instigated by Derbyshire police was put to him and admissions were made. Further matters were discussed during the second interview, and it was at this point that the defendant volunteered information relating to RG and offences he had committed against her. This came out of the blue so far as the interviewing officers were concerned as they had no knowledge until then of any of this alleged offending.

ICOS: No 23/055797

[24] In her ABE interview recorded on 8 February 2020, KA explained to police that a male called "Louis" (the defendant) had found her on Instagram. She texted him saying, "hey" and they started to message each other talking about general things. She had told him she was 13 years old coming up to 14 years old. He told her that he was also coming up to 14 years old and said he was at school in Chesterfield.

[25] She described that they "got close". They were also in contact on Snapchat. She thinks he then asked her out and it was fine for a few days, however, he then started to ask her for "nudes". He would say, "if you do, I will". KA confirmed that she sent the defendant explicit images of herself including her genitals and touching herself. She could not say how many she had sent as it was "too many to count". Initially, when he asked for images, she felt that he loved her. He would say that he wanted to do "stuff" with her, and he sent her images and videos. These were – she thought - of his penis and him masturbating, including a video purporting to be him masturbating in the school toilets. They had talked about meeting up. She sent him images of herself and had asked him not to screenshot the images, but he did and that was where it kind of started. He kept asking her to send more and she was saying no. They then had a few "fights".

[26] One of her friends told her that the person was "fake", and she started to question it, but she ignored them as he made her feel like he did love her, and she fell for it. Eventually, her friends told her that they had found the images purporting to be 'Louis' on the internet and she finally figured out that they must be right. She also video called him, and the defendant was in a dark room so she could not see him properly. She noted that his voice was deep and when she queried this, he said it was because he was crying. She confronted him about who he was, and he maintained he was 'Louis' challenging her to believe him and not her friends. She was aware that her friends had also contacted the defendant to confront him about who he was, and he began to send threatening messages to them.

[27] When she did break it off, the defendant said that his father was a police officer, and he was going to send him to her house. He also sent all her explicit images to her friends, and they were passed around and ended up being circulated around school. She stopped going to school and her mother informed her teacher. She also received threats from a profile purporting to be Louis' "sister", Wee Denny (again this was the defendant). Wee Denny messaged saying that "she" was going to smash all her friend's faces in because it was their fault. The "sister" also threatened to smash KA's face in and threatened that her father would come and "bang" KA's mum and dad. She was added by three further profiles and continued to get threats of violence to her and her close friends.

[28] In the guise of "Wee Denny" the defendant referred to what happened in school, saying: "I bet you got a hard time cos of your nudes" …" Your silly wee girl messing me and Louis about" before telling her it was rude to block her "brother" and dump him. She also messaged KA telling her that she was responsible for his attempted suicide and that her brother was in hospital on a life support machine. "You were the last person to talk to him when he hung himself … so the police will come and talk to you". The messages from Wee Denny continue to ask KA why she dumped Louis followed by an assertion that she has upset the whole family and "we have your nudes and all the important information about you and your mates". A further message adds, "It's illegal what you did sending nudes to underage boys like your only 14".

[29] Shortly after this, a message is sent saying "Louis is dead" and the defendant then ratchets the pressure on KA still further with threats of retribution. "Wee Denny" tells her that her father is a police officer and has all the evidence against KA and her friends.

[30] In addition to KA's images being sent to individuals at her school, the defendant distributed fourteen Category C images of KA to another female called KJ and a male called BW.

[31] The remaining counts on this bill of indictment relate to the defendant's interaction with several of KA's friends, specifically CW, JJ and TB, to whom he sent explicit images of her. Again, he used the persona of both "Louis" and "wee Denny" in these exchanges.

[32] Not content with publishing these images, Andrews, in the guise of wee Denny then accused these friends of being complicit in killing her brother (Louis), who was on life support. By dint of these acts of harassment and threats the defendant sought to cajole these other girls into sending him explicit images of themselves, otherwise they would "get hurt".

[33] The defendant communicated with BW in the United States. The evidence of this stems from a chat log on the Kik app, located on the defendant's telephone dating from 3 September 2019.

[34] The defendant told BW he was 14 years of age, then later said he was 17 and finally, 15 years old. BW stated he was 17 years old. In summary the defendant distributed four Category B images, two Category B videos, 42 Category C images, four extreme pornographic images, 60 indicative images together with three indecent images of RG. Many of these images were victims of the defendant's online behaviour and he sent their images to BW with a view to receiving further indecent images of children in return.

[35] As part of their chat, the defendant asks BW if he will exchange images of "sexy girls" and "nice young girls", "like 9 or 10?". He then asks, "what's the youngest girl u have". He later asks for, "more girls young", "teeny bopps please". On another occasion, the defendant asks for "videos of 6- or 8-year-old girls nude is good" and, then asks, "How do you get the videos of the very young girls??" and "Can you do me more young girls 6 years old and 10 please sexy girls slim x". He further requests, "send more 7 years old girls please nude and videos please". In further chats, he sets out what sexual acts he would like to perform with a "young girl".

[36] An exchange captured on 6 March 2020, provides the clearest evidence of the degree of calculation Andrews deployed in his efforts to ensnare his victims. I believe it is necessary to set out this exchange in full to ensure an understanding of the depths of depravity to which the defendant would sink. He said:

> "I know how to get nudes if young girls really hard tho … it's hard but I know how to do it must (most) say F off and call me a pedo lol I just use a fake account on Instagram with sexy young boy models and they are round me like shit then if I get a nude or two I say that's really good and sexy then a week later I say can I have a sex date if they say no I say well I'm sending your nudes to all the boys and girls in your school and you will get a really bad time at school and if they block me I'll definitely oust them like worldwide and they beg me not to them I make a deal with them for more sex days and get more nudes and saying sexy stuff and do on lol … it works but you have to be careful the police don't get your IP address …"

[37] In a further message he made the chilling comment:

> "Other girl about was 14 I said hi to her on Instagram last year and I said if you don't show me your vagina and tits I'll beat your boyfriend up really badly me and my mates and sent thugs photos to her and scared the crap out of

her and she beg me not too so I got nudes of her boobs and vagina lol then she blocked me deal was done x".

[38] Examples of this modus operandi are to be found in the charges of blackmail and inciting a child between 13 and 16 years to engage in sexual activity (counts 39 and 41). These relate to a girl known only as "Princess Kiki/Kyra". The chat log from January 2019 includes sexually explicit conversations in which he sought to persuade her to pose and share images of herself and later when she blocks him, he threatens to share these images with her school friends.

[39] He adopts a slightly different tactic with another girl, KJ to whom he offers £1,000.00 if she will send him sexual images of herself. He persists in his approaches to her from mid-2019 through to March 2020, sending her pornographic images to persuade her to take photos of herself and her friend S. He describes in graphic detail what he wants her to do.

[40] KJ eventually replies saying no and they are not prostitutes. He repeats his offer of money on 30 January 2020 stating that it will get her a "few quid". In persisting with his attempts to get KJ to interaction with him, he refers to them having dated for 2 years and they started "sex together" when she was 14 or 15. He states that he thinks he taught her sex education. Despite no replies from KJ, the defendant persists in trying to engage her in sexual chat.

Victim Statement - KA

[41] The court only has a VS from KA who articulates how the defendant's actions have affected her including how she felt when she discovered her naked images had been distributed around the school. She describes how classmates laughed at her and blamed her for what had happened. She was off school for approximately 2 months and failed her GCSEs. She did not properly reintegrate back into school life and began to self-harm. Her relationship with her parents was significantly affected and it was only when her father passed away last year that her relationship with her family has improved. She has no trust in men and experiences low self-esteem. It made her feel physically sick when she realised it was an adult male with whom she had interacted and not a 13-year-old boy.

ICOS No: 22/044529

The facts

[42] The charges in this Bill relate to 36 named child victims and three other users, each believed to be children but whose identities and precise ages cannot be identified. Of those whose details are known, the youngest, as of the date of the defendant's arrest, was only 8 and the eldest 17. There are multiple charges of sexual communication with a child, causing a child both below the age of 13 and those

between 13 and 16 years to engage in sexual activity, and as an adult causing a child between 13 and 16 years to watch a sexual act.

[43] Andrews has also pleaded to several counts of blackmail, harassment, threats to damage property and in addition, to charges of attempting to arrange child prostitution, paying for sexual services and sample counts of possession of indecent images of Categories A, B and C together with possessing a prohibited image, an extreme pornographic image, making an indecent image of a child and distributing such images.

[44] The detail of each of the 90 counts to which the defendant has entered guilty pleas is set out in the Crown submissions. The defendant adopted a similar approach in his dealings with each of his victims as with the schoolgirls from Derbyshire and elsewhere as outlined earlier in these remarks. In short form he deceived the children into engaging with him in the mistaken belief he too was a child and having done this he then cynically and with clear premeditation used threats to inveigle and coerce them to share images of themselves with him.

[45] The correspondence instigated by the defendant with each child victim is extremely graphic in content and gives an insight into his depraved thought processes, which are deeply troubling. I have deliberately not included the details in the body of these remarks, which are reflective of what has already been recorded in relation to the earlier case involving the "Derbyshire" complainants.

Victim Statement – MP

[46] The court has received a VS (dated 28.06.24) prepared by MP, who is one of the defendant's online victims on this bill of indictment. Although she speaks only of her own experience, what she says will undoubtedly reflect that of the others who were targeted by Andrews. Like so many such victims, MP was a young vulnerable girl of 14, when she first "encountered" Andrews. At the time she had moved from her father to live with her mother in a part of the country far distant from where she had previously lived. Her mental health was poor, and she had begun to self-harm. She found a "new friend" on social media, called "Sammy", a boy, who she believed to be of similar age to herself. He took an interest in her and she started to feel better about herself, she believed they were in a relationship and when he asked her to share explicit images, she agreed. Gradually, however his demands grew, and she realised he was not reciprocating. He asked her to Facetime but wouldn't show his face. Then the threats began; he told her he would share her photos and those of her friend if she tried to cease communication with him. She felt trapped, helpless and began to cut herself again.

[47] Fortunately, her brother found her one day when she was on Facetime with the defendant and realised what had been going on. He put a stop to it and told their mother, who persuaded her to go to the police. MP records that she "was incredibly scared and angry, and I was worried about what he was going to do with my

images. My mum took me to the police anyway and told me there is nothing I can do to stop him, but I could prevent him from hurting anyone else".

[48] MP and her mother are to be commended for speaking out and this court recognises the enormous damage caused to her and the defendant's many other victims by his actions. Equally I recognise the extent of the danger posed by him to those he has hurt in the past and to young girls he could target in the future.

The defendant's response during interview

[49] The police interviews with the defendant, from March 2020 through to July 2021 run to several hundred pages. As noted, he spoke freely and in lurid detail about his offending. He recollected many of the named complainants and was able to give graphic accounts of the timeline for his involvement with each one and the specifics of the way he abused and threatened them.

[50] He told police that he wanted to give this detail because it "was justice for the victims, they are innocent children" and described being appalled by his behaviour, which he said was caused by his having been off his medication for a long time and he had "been allowed to do it (ie commit these crimes) because he didn't have the support of a mental health team".

[51] He claimed that he 'got into children' because he had been "groomed" by women in other countries for money and had been scammed. He said that at a rough guess, he had interacted with between 40 and 50 children in the space of three years, but he denied being attracted to children.

[52] There are constant contradictions in his account as to his motivation and as to his attitude to his victims. Whereas and as stated he showed remorse and even disgust at what he had done – telling police that he felt "sick" and that he should be shot dead, he then claimed that he was not really a sex offender and that so far as the images sent by the girls were concerned, it was "their choice" to send them.

[53] Andrews questioned why a child had access to Instagram at the age of 13 and why they were allowed online, which, he described as "waiting for disaster for some predators".

[54] Whilst he repeatedly asserted that when many of these interactions were taking place, he was "stoned out of his head" nevertheless, at the time of his interviews he continued to make comments of a deeply disturbing nature regarding his sexual proclivities. Describing himself as having been a shy boy of 14 who had been deprived of sexual experience, he felt he should have it now. Knowing that what he was doing was causing distress to his victims, knowing that they were vulnerable children, didn't stop him from continuing. In what may be considered a shocking lack of empathy, he said of one victim whom he had threatened with posting her images, that she was "just a wee moaning minnie". When it was put to

him that this girl had felt scared and anxious and he was asked if that was how he wanted her to feel, he replied: "yeah, probably aye, so she would do the photos and all but it's a cruel world, isn't it?"

[55] He claimed to be a caring person in "real life" but admitted torturing another girl by bombarding her with texts, which excited him and to having uploaded topless images of her to humiliate her for disobeying him and not being his girlfriend. He also accepted making threats to burn her house and animals just to scare her.

[56] As noted, some of the victims were between 10 and 12 years old and at least one was only 8 and he had asked this girl to take and send him explicit images of herself. Paradoxically he also claimed to have entered correspondence with a paedophile that was on her account. He told the girl to block this man as he was evil and someone, he suspected of grooming her. He saw himself as somehow protecting her from this man while all the time grooming her himself. He said he stopped contact with this girl because he lost interest, for a combination of reasons including that she was too baby faced looking and "overweight, a wee bit".

[57] At the end of the interviews, the defendant was asked how he thinks the victims felt and he said, "what getting nudes off them and that was it … what's the big deal about flashing your nipples or your dick you know what I mean, what's the big thing about that, but they are children, but I'm an adult …". He also queried why people were getting caught with thousands and millions of indecent images over in England and get bail in a few hours and he "went the hard way about getting them" saying he just "didn't download them like that and get caught red handed". He said it "happens every day" and he was not the only one. Asked if he was remorseful, he asked how he could show remorse over a nude picture, "it's just a picture of a female". He said he showed remorse if they become suicidal, or it affects their mental health. He said it wasn't like he was going to attack them and kill them and rape them; it was all about nudes. He said he would not go up to a child as he cannot interfere with them as it's their own private life and there are paramilitaries all over the place. He said he had been shy at school and he did not go out with girls at school as he was frightened because other bigger boys fancied them. He repeated he had blossomed out of it, but it had taken a long time.

ICOS No: 23/055780

The Background

[58] The counts on this indictment, relate to RG . She is now 30 years of age and has a diagnosis of both Autistic Spectrum Disorder and of a learning/intellectual disability. Her ability to communicate is severely impaired and she is unable to give an account to police officers (or any individual) about what has occurred to her. She is unable to arrive at an informed choice regarding sexual activity or the viewing of

it and she would not understand the nature of or appreciate the consequences of sexual behaviour.

[59] At the time of the offences, RG had unsupervised visits with the defendant approximately once a month.

Discovery of the offences

[60] As previously outlined, it was when the defendant was being interviewed in relation to the referral from Derbyshire Police, that he volunteered what he had done to RG. He told police that she has very severe autism and that he saw her every month when she would come to his flat. These visits were just during the day, and she wouldn't stay overnight. He got her something to eat and a drink and she would listen to music. He then took her back home. The offending against her occurred when she was attending at his home address on these visits.

[61] He was asked about items found in his home address which included several items of women's underwear and clothing. He said he bought these items and would masturbate onto them. He then added that he put them on RG and took photographs. He said he never raped her but had touched her. He had not put his penis inside her and he said he did not actually want to rape her. Andrews told police he had tried to place his penis in her mouth, but she did not like it. He said his penis did not go into her mouth but confirmed he had done this "a lot of times".

[62] He admitted to putting RG in specific items of clothing, had put her in sexual poses and masturbated in front of her, when she had her legs parted, culminating in his ejaculating over her. He said that he had tried to put his penis into her vagina, but it would not go in because she was "too tight" and it would be too sore. He estimated that he had begun abusing RG when she was about 18 or 19 years old, which was approximately 6 or 7 years before he was interviewed. Asked about whether it had happened when she was younger, he said, "no, there was a whole lot of social workers sitting with her".

Analysis of the defendant's devices

[63] Examination of the defendant's electronic devices revealed several photographs of RG in sexualised poses and in various stages of undress. Analysis of the images clearly showed evidence of semen on her upper thigh close to her genital area.

[64] Whilst in many of the images, RG looks disengaged, there are some images in which she looks distressed.

[65] Additionally, the search of the defendant's home address revealed several bags containing women's underwear and lingerie and school uniform. Semen was located on items of clothing that RG could be seen wearing in some of the

photographs, specifically white stockings, a burgundy school skirt, school tie, a white shirt and underwear.

[66] Twelve of the sexually explicit images of RG were sent by the defendant to KJ and a further three to BW, two of the teenagers with whom Andrews had been corresponding in case 23/055797. When sending some of the images to KJ on 18 October 2019, the defendant pretended RG was his sister. He sent these images to persuade KJ to send him sexual images of herself. Those sent to BW were with a view to obtaining indecent images of young children.

[67] Based on his admissions and the images the defendant has pleaded to a total of 16 counts; two sample counts of attempted vaginal rape of RG, two sample counts of attempted oral rape, together with 5 counts each of sexual activity with a person with a mental disorder impeding choice and causing a person with a mental disorder impeding choice to engage in sexual activity. These latter set of 10 charges relate to his "dressing and undressing" RG in sexual poses for the purposes of taking photographs, including those which he later distributed to other victims.

[68] The final two counts are of engaging in sexual activity in the presence of a person with a mental disorder impeding choice. These reflect the defendant's masturbating in front of and ejaculating over RG.

Victim impact

[69] RG is unable to provide a victim statement. The Crown places reliance, however, on the statement of Shauna Kelly who was a Positive Behaviour Specialist heavily involved in RG's care after she was moved to Loughshore. She has provided a very detailed summary of how RG presented once she was taken into full time care. Whilst the Crown acknowledge that RG's circumstances are complex, and there is reference to suspected neglect at the hands of her mother, it is argued that the abuse committed by the defendant has significantly impacted her. Mr Hunt raises issues over Ms Kelly's qualification to comment on RG's behaviour and how much this can be attributed to the defendant. I am satisfied, however, that on any analysis the harm done to RG must be viewed as extremely high and how that damage will continue to impact upon her in the long run can only be guessed at.

Aggravating and mitigating features

[70] Mr Weir and Ms Walsh contend that the following aggravating features arise in relation to the abuse of RG:

i. Abuse of position of trust.

ii. The fact that this is a persistent course of offending against RG and not a single incident.

iii. Whilst the sexual offences concerning a victim who has a mental disorder, factor in the victim's vulnerability, this is not the same for the offences of attempted oral and vaginal rape of RG. As a result of her mental health diagnoses, the victim was acutely vulnerable and is utterly dependent on the care of those around her.

iv. The fact the defendant recorded, by way of photographs, the abuse he perpetrated against RG.

v. The fact the defendant distributed images of RG to individuals he had met online.

[71] To these features specific to this case, the court takes account of the extent of the abuse perpetrated by the defendant against the dozens of victims as set out in the two related bills of indictment. The coercive control, mental torture of KA, leading she and others to humiliate themselves, all to satiate Andrews' perverse sexual desires, amount to the core additional aggravating factors.

[72] By way of mitigation, it is acknowledged that the defendant has a significant history of poor mental health with several diagnosed conditions evident for many years. Nevertheless, it is also noted that his compliance with his medication regime was poor, and his voluntary use of cocaine appears to have exacerbated his desire for sexual activity. The admissions made at interview, including to offences of which, at the time, the police had no knowledge, represent the most salient and compelling mitigating factors.

The defendant in his life setting

[73] The court is in receipt of the PSR prepared by Natalie Christie (PBNI) and dated 27.06.24.

[74] The defendant grew up initially in the Shankill area of Belfast, living at home with his parents and siblings. He described a traumatic childhood to Ms Christie, with poor relations with his father, whom he described as an "aggressive drunk". He was aware of domestic abuse between his mother and father, and due to the problems within the family home, including substance related issues, the defendant was placed into care "for his own protection".

[75] When in care, Andrews resided in children's homes in Belfast, Ballycastle and Rathcoole. He attended local schools in these areas, and whilst he attended and completed his school career, he struggled to achieve academically and left without any qualifications. Subsequently he was placed in Rathgael Training School (due to underage drinking) where he remained until he was 19 years old. At this juncture, he was placed in Thompson House Hostel in Belfast.

[76] The defendant's mother died when he was approximately five years old, and he has no contact with his father, or with any other family members. He alluded to

being the victim of an attempted sexual assault perpetrated by his father and suggested that further sexual abuse had occurred within the extended family. It is noted that the defendant's brother took his own life, something which was particularly distressing for him and led, in his opinion to him becoming "very unwell" and to his experiencing paranoid delusions amongst other symptoms.

[77] He described a transient lifestyle for several years and described living at several hostel placements prior to securing his tenancy with Choice Housing at Belgravia Avenue. He has never worked or had any form of employment and has relied upon State benefits for all his adult life.

[78] It is noted that the defendant is described as in good physical health, but he has a diagnosis of severe, enduring mental illness. Issues were first identified when he was in Rathgael. Thereafter he has a recorded long-term involvement with statutory mental health services. He has a history of suicidal ideation and behaviours, has received treatment as an inpatient and subsequently from the Home Treatment Team and the Recovery Mental Health Team. This involvement only ceased when he was remanded into custody in relation to the index matters in March 2020.

[79] Ms Christie notes that the defendant reported to having had a good relationship with social workers and key workers over the years and she records, "he was able to recall in detail his interactions with them. It seems that he has held these relationships with professionals in high regard". The change in his care to consultant-based, created, in Ms Christie's opinion, a deficit or gap for the defendant in terms of connection or interaction.

[80] There is a history of non-compliance by the defendant with his medication, including prescribed anti-psychotic medication, which he decided to come off for several years. Instead, he chose to self-medicate with cocaine. He is currently prescribed Olanzapine 5mg per night but only takes this on occasion.

[81] Reference has already been made to the reports of Dr Muzaffar Husain (Psychoanalyst and Consultant Forensic Psychiatrist) dated 17.12.21, 17.03.22 and 10.11.22) and Dr Richard Bunn (Consultant Psychiatrist) dated 03.02.23). These reports were prepared primarily to assist the court in deciding whether the defendant's confession during police interviews in March 2020 should be admitted in evidence against him. That issue was determined by my ruling handed down on 06.04.23 and the differences in interpretation by the two doctors of the impact upon the defendant of his established medical conditions at the time of interview, is no longer of relevance, in the light of his guilty pleas.

[82] As previously noted, however, the doctors agree as to the defendant's several diagnoses as recorded in his medical records onwards from 1993. Specifically, these include personality disorder, bipolar disorder, schizoaffective disorder and schizophrenia. Dr Bunn (at pg 33) noted that at the time of his first medical

examination in detention on 31 March 2020 there "was evidence of bizarre ideas, religious, grandiose, sectarian, sexualised, narcissistic, paranoid, persecutory and conspirational that fell short of attaining delusional intensity and these findings are consistent with Mr Andrews' presentation in the community whilst under the care of the Recovery Team".

[83] It is agreed that had the defendant correctly adhered to his prescribed medication, his conditions were properly manageable. There seems little doubt that his decision to self-medicate with cocaine had an impact upon his thought processes particularly in the timeframe relevant to the "catfishing" cases. Nevertheless, as Dr Bunn points out (at pg 34), "Mr Andrews's charges date back to September 2013 up to March 2020 and therefore his recent mental health would indicate that this is not directly connected to his offending".

[84] The defendant clearly exhibits a heightened sexual drive, which is obsessional in character. This was exacerbated by his use of cocaine, which he told Ms Christie, gave him a "buzz" he enjoyed, and which gave him an increase in his sex drive. Nevertheless, the court does not accept Andrews's claim that as a result he wasn't aware of what he was doing, or that it lulled him into a "false sense of security".

[85] Andrews presents as an isolated figure with little or nothing in the way of friendship or support within the community. He described feelings of loneliness and advised Ms Christie that he would have regularly contacted sex workers for company. He denied having a sexual motivation for this contact and reported that he did not engage in sexual activity, rather that he wanted to talk to them. Reference to his being in a relationship with a sex worker prior to his remand to custody, but Ms Christie suggests that he may have elevated an association in his own mind into something beyond what it was.

[86] In terms of his psychosexual history, Andrews reported that his first sexual relationship was at the age of 19 with a female of similar age. This lasted approximately one year. Thereafter he had a few casual relationships before he met a woman with whom he had a child when they were both living in a hostel. On his account this relationship lasted approximately two years. It is apparent that whilst he claims to have been immediately attracted to this woman, in retrospect he believes that she used him to conceive, and he regards her now in a wholly negative light.

[87] Mr Andrews spoke warmly and with affection for RG despite her being the victim of his serious and gratuitous sexual offending.

The defendant's attitude to his offending behaviour

[88] When confronted by Ms Christie with the detail of his offending it is apparent that there is a disjunct between the defendant's acknowledgement of guilt for what he had done and his lack of acceptance of what that means. He repeatedly asserted

"I'm not a sex offender", "I'm not a paedophile", yet he would then go on to describe in lurid detail what he had done. This reflected his responses during his police interviews when officers noted his disclosures of information were "unprompted and free flowing" and that he was able to "recall it clearly and concisely".

[89] Whilst Andrews focused on his consumption of cocaine as being the primary cause of his offending behaviour, something that Mr Hunt and Mr Sherrard also highlight in their written submissions, it must be remembered that the choice to do so was a conscious act on his part. Furthermore, it is not entirely clear as to when the abuse of RG specifically began and whether this was before he began to take cocaine on a regular basis.

[90] Furthermore, he made a conscious decision to create the online persona of a teenage boy with the aim of luring his victims into providing him with sexually explicit images for the sole purpose of satisfying his own sexual urges. He then further exploited the victims by distributing the images he had obtained and threatened both they and their friends into providing still more material for his gratification. Each time the circle of victims grew and throughout it all he took care to try to cover his tracks by adopting both the persona of "Louis" and that of his equally fictitious sister "wee Denny".

[91] Whilst acknowledging the defendant's long history of mental health issues, highlighted above, these should not be seen as providing an explanation still less an excuse for his offending. The detail of his online correspondence with his victims as set out in the depositions is indicative of a man who knew precisely what he wanted and how to achieve it. These were the actions of a man who, yes, has significant issues but who was calculating and determined in seeking out and then exploiting vulnerable young girls for the sole purpose of satisfying his own perverse desires.

[92] The exploitation and abuse of RG who is severely disabled is chilling. Questions must be asked as to how it was that having been initially barred from having contact with RG, he was then granted access after court proceedings. The abuse he committed against her in his home on multiple occasions over several years displays a depravity that is difficult to comprehend, and which is sickening. She is utterly vulnerable, a child in a woman's body, unable to communicate other than with sounds and a very few words and severely physically disabled. In his home she was trapped and could offer no resistance as he dressed her up in stockings, school uniform and underwear to in his words "make her look sexy" so that he could then perform sex acts on her and in her presence. He took photographs and videoed her and then shared these images in his online communications with other child victims.

[93] When asked about the impact on RG of what he had done, he told Ms Christie that she has "the mentality of a two-year old" thus seeking to rationalise in his own mind that she wouldn't understand.

[94] From his admissions to police and those made to Ms Christie, Andrews has an appreciation that what he has done is wrong. He acknowledged that he had abused his position of trust, that his behaviour towards RG was "indecent and wrong" and he expressed remorse and was sorry for what he had done to the girls he abused online; "I'm sorry, it will never happen again", "sorry if it caused upset to anyone in England, sorry to [RG] too".

[95] Set within the lengthy period of the abuse of RG and the extent of that perpetrated against the children online over a shorter timeframe there can be no question of Andrews being assessed as presenting anything other than a high likelihood of general offending over the next two years. After application of the Stable-2007 programme combined Risk Matrix 2000 he is placed in the "very high" priority category for supervision and intervention at this juncture.

Risk of serious harm to the public

[96] Of the 130 offences to which the defendant has entered guilty pleas, all but 17 are specified under either or both Schedule 1 and Part 2 of Schedule 2 to the Criminal Justice (NI) Order 2008 ("the 2008 Order"). The other charges not so specified are predominantly Blackmail (nine counts), harassment (three counts) with intimidation, possession of pornographic and prohibited images, paying for sexual services and disclosing private images with intent to cause distress images making up the remainder.

[97] The court is, consequently required to reach a determination as to whether the defendant falls to be sentenced as a dangerous offender within the meaning of Article 15 of the Order.

[98] The defendant has eight previous convictions including an offence of burglary, but his last conviction was for begging back in 1991. Nevertheless, whilst his record is relatively minor and of some vintage, as Ms Christie notes the abuse against RG commenced back in 2013 and the defendant continued offending up to the date of his arrest in March 2020.

[99] A Risk Management Meeting (RMM) was convened on 27 June 2024 at which it was concluded that the defendant did meet the threshold to be considered as presenting a Significant Risk of Serious Harm at this juncture. The factors taken into consideration in this assessment include, the serious harm caused to the victim in the multiple serious sexual assaults, the targeting of a vulnerable female and the abuse of a position of trust, along with the persistence of the offending. PBNI also took into consideration the number of other offences in relation to online sexual offending against several children, where he has incited them to engage in sexual activity.

[100] I am conscious of the observations of the then Lord Chief Justice, Sir Declan Morgan, in *R v EB* [2010] NICA 40, where His Lordship noted that the assessment of

dangerousness is dynamic and that generally sentencing should be within 16 weeks of the date of the RMM. Clearly this has not occurred in the present case.

[101] Nevertheless, I am satisfied that if a meeting were convened today the conclusion would be no different from that in June. I draw reference to the fact that by the date of that assessment, Andrews had been in custody for more than four years and the traits, distorted thinking and deluded justifications he presented for his offending were very much in evidence and undiminished by his being no longer under the influence of cocaine.

[102] Mr Hunt and Mr Sherrard dispute this assessment and argue that the court should not be drawn into concluding that the defendant should be sentenced as a dangerous offender within the meaning of Article 15 of the 2008 Order.

[103] The thrust of their argument is that the defendant is in custody, and they concede, he will remain so, for a protracted period, he will be subject to controls and supervision upon his release including access to online activity and importantly he will not be able to have contact with RG who is his principal victim.

[104] This may be true, but the court cannot lose sight of the enormity of the crimes for which the defendant falls to be sentenced and the clear evidence of his distorted thinking as displayed by the highlighted references initially in the police interviews and more recently in his consultation with Ms Christie. In short, his lack of internal control to avoid committing further serious sexual offending if the opportunity arose leaves me in no doubt that Andrews does pose a significant risk of serious harm and that he meets the criteria of dangerousness and must therefore be sentenced accordingly.

The approach to sentence

[105] Having determined that the defendant falls to be sentenced as a dangerous offender the court must now consider what form that sentence should take.

[106] The defendant's catalogue of offending in this case is prolific and chilling in equal measure. Precisely how many victims were caught up in his web of deceit is unknown. By his own admission he was a "catfish" who adopted several personae and developed increasingly more calculating ways to get what he wanted from his victims. He knew precisely what he was doing and didn't stop until he was caught. His threats were designed to frighten these girls into doing what he wanted and at no stage did he try to desist but rather adopted more cunning devices to achieve his perverse desires.

[107] The abuse of RG, carried out over a period of years was sickening. It has been submitted on his behalf that since his pleas to attempted rape have been accepted by the Crown, this in some way should mitigate the court's approach to sentence. I reject that argument out of hand. By his own admission he tried on several occasions

to put his penis in RG's mouth and regarding her vagina, he only desisted in doing so because "she was too tight".

[108] The four offences of attempted rape carry a discretionary life sentence, whilst the charges of sexual activity or inciting a person with a mental disorder to engage in such activity carry a maximum sentence of 14 years. The other "scheduled" sexual offences carry maximum sentences ranging from two years to 14 years.

[109] The court must now decide whether an extended custodial sentence ("ECS") would not be sufficient to protect the public from the risk posed by the defendant. If I were to conclude that it would not, then I should impose a life sentence. I have considered Mr Hunt's carefully structured written submissions on this point and after reflection I am satisfied that this is not a case where a life sentence would be justified, notwithstanding the very serious nature of the offending. I shall therefore impose an ECS in this case. In reaching this determination I have taken account of the defendant's age both now and of when he is likely to be released from custody.

[110] Before I turn to consider how the sentence, I intend handing down is to be quantified I must determine the level of credit that should apply in this case. The guilty pleas were not entered at anything like an early stage of proceedings and indeed in the case of the charges relevant to RG, these came either immediately before the jury was put in charge or indeed shortly after the trial began. Nevertheless, at the time of the initial police interviews the defendant made full admissions including in relation to what he had done to RG. As previously noted, the admissibility of those confessions was challenged in a lengthy hearing involving extensive medical evidence.

[111] The guilty pleas meant that the child victims were spared giving evidence. Furthermore, the proofs in relation to detail of the abuse of RG depended to a marked degree on what was admitted during interview. In terms the guilty pleas were very welcome in that three potentially lengthy and distressing trials were avoided. In the circumstances I shall therefore allow a discount of 25% on the sentence that would otherwise have applied had the defendant been convicted of these charges after contested trials.

Headline offences, totality

[112] The defendant falls to be sentenced for 130 offences, committed against a multitude of victims through catfishing or sextortion, together with the direct physical abuse of RG. If I were to approach the sentencing exercise by weighting each charge proportionate to its seriousness the defendant would be facing a total sentence of several hundred years. In other jurisdictions such as those pertaining in most States in the USA, that would indeed be the appropriate approach, but that is not so here.

[113] I must factor in the principle of totality and therefore I will apply a headline figure to the most serious charges on each of the three Bills of Indictment, with sentence on the remaining counts running concurrent to that headline figure. I shall, however, make the sentences on each Bill run consecutive to each other.

ICOS No: 23/055780

[114] The defendant's abuse of RG continued over a lengthy period during which he attempted to rape her both orally and vaginally on several occasions. I have already made clear my view that there is no qualitative difference in this case between the attempt and the full offence. By his own admission Andrews persistently tried to penetrate RG. I am satisfied that this amounts to a campaign of carefully orchestrated and planned assaults, as identified by the court in *R v Kubik* [2016] NICA 3, such as requires the court to take a starting point of 15 years. I consider that the multiple additional offences involving the defendant dressing RG up in sexualised clothing, placing her in poses and most graphically of all, then masturbating in front of and onto her, are materially aggravating factors, raising that starting point to 20 years. I take this figure as the starting point for the attempted rape charges in relation to RG.

ICOS No: 23/055797

[115] There are seven victims named on this Bill of Indictment, with the most serious charges relating to KA. I have already set out the generality of the offending against both KA and the other victims and referred to the impact of his cruel and persistent acts of sextortion. In taking a total starting point of eight years for the most serious offences, with lesser terms running concurrently on the remaining counts. I make the sentences concurrent to each other.

ICOS No: 22/044529

[116] There are 90 charges and for the reasons given above, I shall take a starting point of eight years for the most serious charges with lesser terms running concurrently on the remaining counts.

Conclusion

[117] The total starting point for the three Bills of Indictment is 36 years. Applying the discount of 25% reduces that to 27 years to which I add 5 years by way of an extended licence.

[118] The effect of this sentence is that the defendant must serve a minimum term of 13½ years, which includes the time he has already served on remand, after which it will be for the Parole Commissioners to determine if he can be released from custody. That decision will be made after further assessments as to whether he continues to pose a risk of significant harm. If he is deemed still to present such a

risk, he will remain in custody for upwards of a further 13½ years, after which he will remain subject to the extended licence for 5 years. In terms, therefore he shall remain subject to this order for 32 years (allowing for the time already spent in custody), by which time he will be in or around 83 and the threat he would then pose is likely to be negligible.

[119] I shall set out the individual sentences on the schedule of charges, helpfully provided by Crown counsel. So far as ancillary orders are concerned, I grant the SOPO, as drafted, together with the disqualification from working with children and vulnerable adults. These orders along with the notification requirements of the Sex Offenders' Register will apply for life. Finally, I order the destruction of all devices seized and the offender levy of £50.00 will apply.