

Judicial Communications Office

10 December 2024

COURT SENTENCES FOR SEXUAL OFFENCES INCLUDING CATFISHING

Summary of Judgment

His Honour Judge Miller KC, sitting today in the Crown Court at Downpatrick, sentenced David Andrews to an extended custodial sentence of 27 years after he pleaded guilty to a total of 130 offences committed through sexual abuse of a vulnerable female known to him who has a mental disorder and multiple offences of catfishing/sexortion. He must serve a minimum term of 13½ years after which it will be for the Parole Commissioners to determine if he can be released from custody on an extended licence.

The defendant was arrested in March 2020 following reports to police in Derbyshire by or on behalf of several child victims of catfishing. His IP address was identified as the source of the communications. During his first police interview, he made admissions to the offences and during his second interview he volunteered information relating to offences he had committed against a vulnerable female known to him, referred to in court as “RG”. This came out of the blue to the interviewing officers as they had no knowledge until then of any of this alleged offending. The charges to which he pleaded guilty were brought to court on three Bills of Indictment:

- **23/055797** – 43 counts including causing a child under 13 and a child between 13-16 to engage in sexual activity, sexual communication with a child, disclosing private images with intent to cause distress, possession of an indecent image, distribution of images, harassment and blackmail. Seven victims were named on the Bill with the most serious charges relating to KA. On 4 October 2023, the defendant pleaded guilty to 24 of these counts with the remaining counts being left on the books.
- **22/044529** – 132 counts of causing a child between 13-16 to engage in sexual activity, sexual communication with a child, disclosing private images with intent to cause distress, possession of an indecent image, distribution of images, harassment and blackmail. On 9 October 2023, the defendant pleaded guilty to 90 counts with the remaining counts being left on the books.
- **23/055780** – 16 counts relating to RG. After the trial commenced, the defendant pleaded guilty to 16 offences of attempted rape, sexual activity by an adult with a person with a mental disorder, causing or inciting a person with a mental disorder to engage in sexual activity and engaging in sexual activity in the presence of a person with a mental disorder.

In the case **23/055797**, the court heard a recorded interview with a complainant KA who explained that the defendant, who called himself “Louis” had found her on Instagram and started messaging her. She was 13 and he told her he was the same age and at school near her in Derbyshire. KA described how the defendant asked her for explicit images which she sent feeling he loved her. Her friends warned her that “Louis” was fake and that they had found the images he purported to be of him on the internet. When she video called him, he was always in a dark room so she could not see him properly. When KA broke it off with the defendant, he threatened that his father was a police officer who would go to her home. The defendant also sent her explicit images to her online friends, and they were circulated around school. KA also received threats from a profile

Judicial Communications Office

purporting to be Louis's sister "Wee Denny" (again this was the defendant) who said she was responsible for "Louis" attempted suicide and later that he was dead. The defendant also interacted with several of KA's friends to whom he sent explicit images of her with Wee Denny also accusing them of being complicit in killing her brother. The court received a victim statement from KA who articulated how the defendant's actions have affected her including failing her GCSE's, self-harming and low self-esteem.

Evidence from the defendant's phone also showed he communicated with BW in the United States in 2019-2020 exchanging messages about his modus operandi in enticing young girls to send him images. In another exchange he offered a girl, KJ, £1,000.00 if she would send him sexual images of herself.

In case **22/044529**, the charges relate to 36 named child victims and three others who are believed to be children but whose identities and precise ages cannot be identified. The youngest at the date of the defendant's arrest was eight years old and the eldest was 17. In these cases, the defendant again deceived the children into engaging with him in the mistaken belief that he too was a child and coercing them into sharing images of themselves using threats. The court received a victim statement from "MP" who was 14 when she first encountered the defendant. At this time her mental health was poor and she had begun to self-harm. She believed the defendant to be of similar age to herself and that they were in a relationship. She agreed to share explicit images with him but his demands grew and she realised he was not reciprocating. 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 MP to go to the police. MP said she was incredibly scared and angry and worried about what the defendant was going to do with her images.

In case **23/055780**, the offences were committed against RG, a 30 year old woman who has a diagnosis of autistic spectrum disorder and of a learning/intellectual disability. Her ability to communicate is severely impaired and she was unable to give an account to police or make an informed choice regarding sexual activity. The defendant's offending came to light when he was being interviewed in connection with the catfishing offences. He admitted putting RG in underwear or school uniforms, putting her in sexual poses and masturbating in front and over her. He also admitting trying to put his penis in her mouth and into her vagina. He estimated that he had begun abusing RG when she was about 18-19, which was approximately 6 or 7 years before he was interviewed. As RG was unable to provide a victim statement, the prosecution relied on a statement from a positive behaviour specialist who was involved in her care. The court was satisfied that the harm done to RG must be viewed as extremely high and said that how that damage will continue to impact upon her in the long run can only be guessed at.

Aggravating and mitigating features

The aggravating factors in this case were the abuse of RG and the extent of the abuse perpetrated by the defendant against the dozens of victims as set out in the other two Bills of Indictment. The court said the coercive control, mental torture of KA, leading she and others to humiliate themselves, all to satiate the defendant's perverse sexual desires, amount to the core additional aggravating factors.

By way of mitigation, it was acknowledged that the defendant has a significant history of poor mental health with several diagnosed conditions evident for many years. Nevertheless, it was also noted that his compliance with his medication regime was poor, and his voluntary use of cocaine appeared to have exacerbated his desire for sexual activity. The court said the admissions made at

Judicial Communications Office

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

The court received a pre-sentence report dated 27 June 2024. The defendant described his traumatic childhood when he was placed into care “for his own protection”. He left school without any qualifications and was placed in Rathgael Training School (due to underage drinking) where he remained until he was 19 years old. He described a transient lifestyle for several years, living at several hostel placements. He has never worked or had any form of employment and has relied upon state benefits for all his adult life. While the report described the defendant as being in good physical health, he has had a diagnosis of severe, enduring mental illness since 1993. Thereafter he has had long-term involvement with statutory mental health services which only ceased when he was remanded into custody in March 2020. The defendant has a history of non-compliance 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.

The court received reports from two Consultant Psychiatrists who both agreed about the defendant’s several diagnoses of personality disorder, bipolar disorder, schizoaffective disorder and schizophrenia. They agreed the defendant’s conditions were properly manageable if he correctly adhered to his prescribed medication. The court said there seemed 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. It said the defendant clearly exhibits a heightened sexual drive, which is obsessional in character and was exacerbated by his use of cocaine but did not accept his 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”.

When confronted with the detail of his offending the defendant 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. Whilst he focused on his consumption of cocaine as being the primary cause of his offending behaviour, the court said it must be remembered that the choice to do so was a conscious act on his part. 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”.

Whilst acknowledging the defendant’s long history of mental health issues, the court said these should not be seen as providing an explanation still less an excuse for his offending. It said the detail of his online correspondence with his victims 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.”

The court stated that the exploitation and abuse of RG was “chilling” and that the abuse he committed against her over several years displayed “a depravity that is difficult to comprehend, and which is sickening.” When asked about the impact on RG of what he had done, the defendant

Judicial Communications Office

said that she has “the mentality of a two-year old” thus seeking to rationalise in his own mind that she wouldn’t understand.

Risk of serious harm to the public

Of the 130 offences to which the defendant has entered guilty pleas, all but 17 are specified offences under the Criminal Justice (NI) Order 2008 (“the 2008 Order”) and the court was therefore required to reach a determination as to whether the defendant falls to be sentenced as a dangerous offender.

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 that time. The factors taken into consideration included 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 the defendant had incited them to engage in sexual activity. The court noted the decision of the Court of Appeal in *R v EB* [2010] NICA 40, where it said the assessment of dangerousness is dynamic and that generally sentencing should be within 16 weeks of the date of the RMM. Nevertheless, the court was satisfied that if a meeting were convened today the conclusion would be no different from that in June.

The approach to sentence

Having determined that the defendant falls to be sentenced as a dangerous offender the court must next consider what form that sentence should take. It said the defendant’s catalogue of offending in this case was 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. The abuse of RG, carried out over a period of years was sickening.”

The offences of attempted rape carry a discretionary life sentence and 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.

The court was satisfied that this is not a case where a life sentence would be justified, notwithstanding the very serious nature of the offending, and that an ECS extended custodial sentence (“ECS”) would be sufficient to protect the public from the risk posed by the defendant. In reaching this determination it took account of the defendant’s age both now and of when he is likely to be released from custody.

The court also considered the level of credit that it should apply in this case. It said 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

Judicial Communications Office

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 (although the admissibility of those confessions was challenged in a lengthy hearing involving extensive medical evidence). The court said 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. The guilty pleas were very welcome in that three potentially lengthy and distressing trials were avoided. In the circumstances the court said it would 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

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. The court said it must factor in principle of totality and would therefore 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. It would, however, make the sentences on each Bill run consecutive to each other.

- **ICOS No: 23/055780** - 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. In the court's view there was no qualitative difference in this case between the attempt and the full offence. By his own admission the defendant persistently tried to penetrate RG. The court was satisfied that this amounted 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. It considered 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. The court took this figure as the starting point for the attempted rape charges in relation to RG.
- **ICOS No: 23/055797** - There are seven victims named on this Bill of Indictment, with the most serious charges relating to KA. The court took a total starting point of eight years for the most serious offences, with lesser terms running concurrently on the remaining counts. It made the sentences concurrent to each other.
- **ICOS No: 22/044529** - There are 90 charges. The court took a starting point of eight years for the most serious charges with lesser terms running concurrently on the remaining counts.

CONCLUSION

The total starting point for the three Bills of Indictment was therefore 36 years. Applying the discount of 25% reduces that to 27 years to which the court added five years by way of an extended licence. 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

Judicial Communications Office

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.

NOTES TO EDITORS

1. This summary should be read together with the judgment and should not be read in isolation. Nothing said in this summary adds to or amends the judgment. The full judgment will be available on the Judiciary NI website (<https://www.judiciaryni.uk/>).

ENDS

If you have any further enquiries about this or other court related matters please contact:

Alison Houston
Lady Chief Justice's Office
Royal Courts of Justice
Chichester Street
BELFAST
BT1 3JF

E-mail: LCJOffice@judiciaryni.uk