

**Neutral Citation no. [2010] NICC 30**

Ref:

*Judgment: approved by the Court for handing down  
(subject to editorial corrections)\**

Delivered: **02/09/10**

**SENTENCING REMARKS**

**Omagh Crown Court**

**R -v- Eugene Lewis**

**His Honour Judge Babington**

1. The defendant was unanimously convicted on all 11 counts of indecent assault that he faced following a lengthy trial lasting some 23 days.
  
2. The counts relate to the period August 1963 to September 1973.
  
3. All of the counts involve 3 females from the same family who I will refer to as “the K family”. The “K family” was a large family comprising 6 girls and 2 boys. The complainants in this case were 3 of the girls. For the sake of completeness it is perhaps proper at this stage to indicate that bad character evidence by way of alleged misconduct was also placed before the jury in relation to a fourth sister. These 4 girls were the 4 eldest sisters in the family.
  
4. The family lived on a farm in County Fermanagh.
  
5. The complainants were, in the order that they appear on the indictment, ‘A,’ who was born in 1956. She was indecently assaulted by the defendant between 27

August 1963 and 26 August 1967. In other words while she was aged between 7 and 10. The second complainant, 'B', was indecently assaulted between 23 May 1967 and 30 September 1973. In her case when she was aged between 7 and 13 ½. The third complainant, 'C', was indecently assaulted between 25 April 1965 and 24 April 1967 and at that time she would have been aged between 11 and 13.

6. The defendant would have been aged between 29 and 39 at the time of these offences. The defendant is an ordained priest of the Catholic church and is a member of a society known as the Missionaries of Africa who are perhaps better known as the Order of the White Fathers. The White Fathers for many years had a college or seminary at Black Lion, which is just across the border, in County Cavan. There were 2 aspects to the work carried on in Black Lion. It had what was called a Formation Unit which in broad terms dealt with the post secondary school education of persons who were considering a career as a missionary. The students who attended were essentially seminarians and would have studied in Blacklion for a period of 2 years. The other work carried on at Blacklion was done by a unit which dealt with promotional and publicity work for the White Fathers. The educational part of the formation unit closed in June 1970 and that work was moved to Dublin. The other unit closed in January 1972 and moved to Longford Town. The college and buildings themselves were sold to the Ministry of Justice in the Republic in April 1972.

7. The defendant worked at the College in Blacklion from September 1960 to December 1967 as a lecturer in philosophy and then from that time until June 1970 as

the Rector of the College. Between July 1970 and June 1972 he was Director of students at the Headquarters of the White Fathers in Dublin and between July 1972 and August 1973 he attended Trinity College Dublin. In October 1973 he left to go on a mission to Ghana.

8. The jury were told that while the defendant was at Blacklion he was introduced to the "K family" by another White Father who was related to them. There is no doubt that a relationship developed and the defendant would from time to time call at the family farm. It is clear that his visits were irregular. There was no particular pattern to them, although it seems that he visited early in the evening time as a general rule. The "K family" also had visits from other White Fathers and also from the students who were attending the College in Blacklion.

9. The girls' parents welcomed and indeed it is probably fair to say encouraged these visits not only by the defendant but by the other White Fathers and students. They saw the White Fathers as a power for good and felt that their influence on their children would be beneficial because of their experiences in life, their experiences in travelling the world and because they saw the Catholic ethos as being beneficial. It is quite clear and indeed undisputed that the defendant in particular was admired for his intellectual abilities. It seems that he had lengthy discussions with the girls' father in particular but it is also clear that he had considerable contact with the children and used to tell them stories. It seems that when he served in Africa he was

know as Father Story Man and there appears to be little doubt that he did have an ability to tell stories to children.

10. The first Count relates to a specimen count when the defendant assaulted 'A' when she was sitting on his knee at the kitchen table. She told the jury that she was very small, that she was aged between 6 and 8 and that as she sat on his knee she could feel this hard thing which was between her legs flicking backwards and forwards. She said it was only in later years that she knew that this was his erection. She said that this happened on 5 or 6 occasions.

11. Count 2 related to something that had occurred in the bedroom. "A" said that while the defendant was reading stories to her and her sisters he rubbed her body against his own body whilst telling stories to them all. She said that she was against his erection while this was happening. The stories were told when the lights were out.

12. The third Count related to an incident which occurred in similar circumstances to the previous one but on this occasion her nightdress became damp, wet and sticky.

13. 'B' is involved in Count 4. She said that while he was telling stories to her and her 2 sisters in her bedroom he sat on her bed, ran his hands down over her body

and digitally penetrated her vagina. She was aged somewhere between 7 and 8 years old.

14. Counts 5-7 are 3 specimen counts relating to occasions when 'B' sat on his knee, was pulled tight into him and when this happened she felt his erect penis. In relation to those specimen counts she would have been aged between 7 and 10 years old.

15. Counts 8-10 are 3 further sample counts relating to the same type of behaviour but occurring when she was older, aged between 11 and perhaps 13.

16. The final Count - Count 11 relates to 'C'. It relates to an occasion when the family were due to go to the seaside for the day. Whilst making final preparations the defendant arrived. 'C' volunteered to stay behind and provide some food to the defendant. The jury were told that after food was provided he beckoned her over to a settee on which he was lying in the kitchen. He made her lie with her back to him and while doing this touched her breast area over her clothing and pushed his groin and erect penis against her. 'C' would have been aged between 11 and 12.

17. All of the complainants said nothing about these matters at the time. During evidence it became clear that nothing was said by any of them to any of their siblings at the time. It seems that much of this was due to the fact that the White Fathers

were, to an extent, revered by the 'K family' and none of the complainants felt that they could say anything about what had happened for many years.

18. 'A' said that she mentioned it to her mother in 1985 and she had the impression from her mother that she should not do anything about it. 'B' viewed the matter as being personal to her and 'C' said in evidence that she had forgiven the defendant for what he had done to her.

19. The catalyst for these matters coming to light appears to have been the discovery by 'A' of a photograph. I do not intend to go into the details of that but it brought back memories to her of matters that had occurred in the past. She sought legal advice in the Republic of Ireland where she was then living and subsequently made a complaint both to the Garda in the Republic and also to the police in Northern Ireland.

20. At or about the same time following a social event in Belfast 'B' began to make enquires as to how she could make a complaint. She was subsequently contacted by 'A' who told her that she was making a complaint. Police subsequently contacted 'B' and she then made a complaint.

21. 'C' had become aware that 'B' had been abused following the social event that I have just referred to. She indicated to 'B' that she had also been abused and was in

turn subsequently contacted by the police to whom she made a statement of complaint.

22. The jury in this case also heard evidence of alleged misconduct by the defendant relating to various events that are said to have occurred in the Republic of Ireland. These events involved 'A', 'B' and another sister 'D'. These matters can be considered as background information for the jury but they are not on the indictment and the defendant will not be sentenced by this court in respect of them. Indeed this court does not take those alleged matters into account in this sentencing process.

23. When interviewed by the police regarding these complaints the defendant denied them. He expressed surprise and outrage and pointed out that on one occasion they were totally contrary to all that he had lived and worked for during his life. He did at one stage suggest that there must have been something akin to a conspiracy by the "K family" against him which he surmised might have been set off by an incident in Dublin regarding himself and 'B' when he had to ask 'B' to move out of college accommodation.

24. Otherwise the case being made by him and through his counsel, was that 'A' might have been motivated by compensation claims that she had made, 'B' and 'C' perhaps were making attempts simply to backup 'A'. All in all his case was a complete denial of the allegations.

25. The defendant gave evidence and repeated these denials.

### **Victim Impact Reports**

26. I have read victim impact reports in respect of the injured parties. The reports are extremely detailed and personal. I do not intend to attribute symptoms but suffice to say it is the opinion of Dr Ferguson, who spoke to each of them, that they all have been affected adversely. Dr Ferguson uses the words “deeply and chronically affected” in respect of one, and in respect of another that she has developed “severe trauma type symptoms as a result of the proximal effect of the sexual abuse” It is also clear that all found the trial deeply upsetting and stressful.

### **Pre Sentence Report**

27. I have read both the Pre Sentence Report and the Home Circumstances report compiled by the Probation Service in Dublin.

28. Both reports have been carefully compiled and I thank the authors for their assistance. The Defendant comes from a large family of 13 children 7 of whom joined Holy orders or entered religious life. It appears that the Defendant was always destined to join the Church in some capacity as he was sent to a boarding school in England run by the White Fathers at the age of 12. At the age of 15 he was clear that he wanted to become a missionary and was ordained at the age of 24.



29. As far as the offences are concerned he maintains his denial of guilt and tells the author of the pre sentence report that his visits to the family farm were primarily to visit the girls' father, acknowledge the children, tell a story, have a cup of tea and go - in essence what he told the jury on his trial.

30. Since his conviction on 27 May 2010, after which he was granted Bail, he has lived in Dublin at the Headquarters of the White Fathers where he has been subject to a number of restrictions agreed with his superior - described by himself as "self imposed house arrest".

31. He has been assessed as medium likelihood of re-offending given his attitude to his sexual offending history and his continued denial of guilt. He has not been assessed as posing a risk of serious harm.

32. The defendant contested these allegations and after a lengthy trial the jury convicted him. As a result of his decision to contest the charges all 3 complainants and the fourth sister, 'D', were subjected to lengthy and intrusive cross-examination which at times was clearly embarrassing and upsetting for them. I want to make it very clear that cross-examination was carried out thoroughly and professionally but it came about as a result of the defendant's decision to contest the charges. That therefore means that the defendant is not entitled to any credit.

33. During the course of the trial some 21 witnesses were used in relation to character by the defence. Fifteen of these witnesses gave oral evidence and statements were agreed and read in respect of the remaining ones.

34. In relation to the defendant's professional work there is no doubt that he had a long career in the Catholic Church. He was ordained as priest in May 1958 and since then has worked in Africa, Germany and Belfast. There is no doubt that he is held in high regard by persons in those countries and by ex-students and colleagues from whom this court has heard.

35. However the very nature of these type of cases does mean that the offending behaviour usually takes place in private and well away from the eyes of colleagues, family and friends. However I make the point that I am taking the good character of the defendant spoken of by these many character witnesses into account, although in cases such as these that does not count to any great degree.

36. I take into account the defendant's age - now 76, his health which is generally good and the fact that he has a clear record.

37. There are a number of aggravating factors in this case. Firstly there are a number of complainants on the indictment. There are 3. I do not take into account the fact that there is possibly a fourth complainant - 'D' - she does not appear on the indictment.

38. These complainants, in particular 'A' and 'B', were very very young when they were abused.

39. The abuse continued over a period of some ten years.

40. Some of the offending, in particular Count 4 which involved digital penetration was very serious.

41. There has been and still is a significant impact on the injured parties as evidenced by the victim impact report.

42. There is a blatant and very serious breach of trust in this case. All of the complainants were abused in their own home while under the same roof as their parents, with the exception of 'C' who was on her own – in some ways this makes it even worse. He was also seen as a figure of authority.

43. I have taken everything that has been said into account, together with all that I heard throughout the trial and all that I have now read in the reports about the defendant and the reports about the complainants.

44. At the time of these offences the maximum sentence for indecent assault was 2 years imprisonment.

45. Accordingly I have come to the conclusion that the appropriate sentences in this court are as follows:-

Count 1 - 15 months

Count 2 - 15 months

Count 3 - 15 months

Count 4 - 18 months

Count 5 - 15 months

Count 6 - 15 months

Count 7 - 15 months

Count 8 - 15 months

Count 9 - 15 months

Count 10 - 15 months

Count 11 - 15 months

46. I have to consider whether these sentences should be concurrent or consecutive. I feel that the appropriate disposal of this case merits a mixture of the 2. This reflects the fact that not only the fact that there are 3 injured parties but also the fact that this abuse continued over a period of some 10 years. The sentences in relation to each complainant will be concurrent but will be consecutive to those in respect of the other complainants. In other words the sentences in respect of 'A' on Counts 1-3 will be concurrent, and the sentences in respect of Counts 4-10 in respect of 'B' although concurrent with each other will be consecutive to those of 'A'. Finally

the sentence on Count 11 will be consecutive to that involving 'B'. The total overall sentence will therefore be one of four years.

47. The question arises as to whether I should make these sentences custody probation orders under Article 24 of the Criminal Justice (NI) Order 1996 or whether I should impose Article 26 extended licences. In that regard I am aware of the comments of the Court of Appeal in McGowan that Article 26 is designed specifically for the supervision of persons convicted of sexual offences and should ordinarily be put into operation in such cases when the conditions in Article 26(1) (b) are satisfied.

48. In this case there is a further difficulty in that the defendant has made clear that he intends to reside outside Northern Ireland following the completion of any sentence and accordingly it would not be possible for any type of community order to be supervised.

It follows therefore that I direct that an Article 26 licence will apply in this case.

#### Disqualification from working with children

49. I make a Disqualification Order against the Defendant - that he be disqualified indefinitely from working with children under the Disqualification from Working with Children, Protection of Children and Vulnerable adults Order 2003.

50. As a result of this sentence it follows that the Defendant will be subject to the requirements of the Sex Offenders register for an indefinite period.

2<sup>nd</sup> September 2010