

ST HELENA / JUDGMENT

Attorney General v Lawrence

[2025] SHSC 1 (13 February 2026)

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1/2025 Between AG -v- Alan Lawrence

----- Sentence 13 th
March 2026 -----

Section 93 of the Welfare of Children Ordinance 2008 & Section 1 Sexual Offences (Amendment) Act 1992 apply to this ruling. Nothing may be published if it is likely or calculated to lead members of the public to identify any complainant or person under 18 involved in these proceedings Mr Lawrence you were found guilty after trial of the offences of buggery, indecent assault and gross indecency with a child. The indictment period starts on the 25 th of June 1978 and ends on the 26 th of June 1982 for the buggery and indecent assault and the 26 th of June 1980 for the gross indecency. These dates represent the victim's 16 th and 14 th birthdays respectively. The evidence at trial suggested that these offences occurred before you went to Ascension in 1980. You were born on the 29 th of December 1961. In 1978 you would have been 16 years old and in 1979 17 years old. Your victim would have been 12, 13 or 14 at the time he was abused by you. For the purposes of sentencing you I will take your age at the time of the offences as having been in the 16 to 17 year old age bracket as the evidence, and the jury's verdict on the gross indecency matter, would place you at about that age. I will refer to your victim as AB. Approach to Sentencing I will approach sentencing in this way. I will treat you as having been under 18 but older than 15 at the time you offended. The guidelines issued by the sentencing council on sentencing historical sexual offences at paragraph 9 suggests the following approach: If the offender was very young and immature at the time of the offence, depending on the circumstances of the offence, this may be regarded as mitigation affecting the offender's culpability. Further, where the offender was under 18 at the time of the offence the court must consider the principles set out at paragraphs 6.1 to 6.3 of the Sentencing Children and Young People guideline. The court should take as its

starting point the sentence likely to have been imposed at the time of the offending, and bear in mind the maximum sentence which could then have been imposed on the child offender. Paragraphs 6.1 to 6.3 of the guideline on sentencing children and young people provides: 6.1 There will be occasions when an increase in the age of a child or young person will result in the maximum sentence on the date of the finding of guilt being greater than that available on the date on which the offence was committed (primarily turning 12, 15 or 18 years old). 6.2 In such situations the court should take as its starting point the sentence likely to have been imposed on the date at which the offence was committed. This includes young people who attain the age of 18 between the commission and the finding of guilt of the offence but when this occurs the purpose of sentencing adult offenders has to be taken into account, which is: the punishment of offenders; the reduction of crime (including its reduction by deterrence); the reform and rehabilitation of offenders; the protection of the public; and the making of reparation by offenders to persons affected by their offences. 6.3 When any significant age threshold is passed it will rarely be appropriate that a more severe sentence than the maximum that the court could have imposed at the time the offence was committed should be imposed. However, a sentence at or close to that maximum may be appropriate. Although in St Helena law there is no threshold as to differing sentences available when an offender becomes 18, either now or in 1978, but it has always been widely acknowledged that when it comes to sentencing young people under 18 a differing approach needs to be taken to have regard to the offender's youth. I will therefore treat you as having passed a significant age threshold between the time you offended and the time of your sentencing, while taking into account the purpose of sentencing adult offenders. When having regard to the starting point for sentence it is right that the guidance for imposing custodial sentences on young people contained within paragraphs 6.42 to 6.49 of the guideline on sentencing children and young people is also had regard to in addition to the purpose for sentencing adult offenders. It would be an impossible task for any sentencer in 2026 to assess what a court would have actually imposed in 1978 or 1979. The guidance issued by the sentencing council for sentencing children and young people will also be had regard to. Of importance is the following extract: Where a custodial sentence is unavoidable the length of custody imposed must be the shortest commensurate with the seriousness of the offence. The court may want to consider the equivalent adult guideline in order to determine the appropriate length of the sentence. If considering the adult guideline, the court may feel it appropriate to apply a sentence broadly within the region of half to two thirds of the appropriate adult sentence for those aged 15 - 17 and allow a greater reduction for those aged under 15. This is only a rough guide and must not be applied mechanistically. The individual factors relating to the offence and the child or young person are of the greatest importance and may present good reason to impose a sentence outside of this range. I will also have regard to the appropriate adult guidelines when considering the appropriate sentence. The Offences The victim in this case was the child of a lady who you worked with at the Old People's Home. You already knew her before you started working there and you lived close by. When she would work a night shift from 8pm

to 8am you would babysit AB, and at times his sister who was 2 years younger. You would share a bedroom with AB when you stayed over. AB recalls that you took him into the outside toilet where you sat on the toilet and masturbated while you had him stand in front of you exposing his genitals to you, this is the gross indecency with a child matter. He also recalls being in the bedroom that you shared with him and you placing his penis in your mouth, that being the indecent assault, and also you had him squat over you while you penetrated his anus with your penis, this being the buggery. The verdict of the jury requires that I sentence you on the basis that each event occurred just once. The evidence may also support the conclusion that the offence of indecent assault occurred on the same occasion as the buggery. Other Matters I have received a victim statement that speaks of the impact of this offending upon AB. He has struggled with relationships, has trouble trusting people and feels angry, frustrated, sad, unfulfilled and misunderstood. His alcohol intake is also high which is no doubt a coping mechanism. This type of reaction is all too common in this type of offending and it is reflected in the sentencing guidelines. Two very helpful sentencing notes were prepared by counsel for which I thank them. I have considered these along with the submissions made to me today. There is an application for a restraining order on conviction. I cannot make this order as St Helena law only permits it for offences contrary to the Protection from Harassment Act 1997. This is a matter I have sought to bring to the attention of the Attorney General through numerous previous Crown Counsel to no avail. To my mind victims of sexual offenders deserve protection from their abusers, unfortunately this is not available on St Helena by the making of a restraining order on conviction. I have received a pre-sentence report that suggests that you may have cognitive deficits. I note that you pose a low risk of reoffending but that if you were to reoffend the risk of harm would be high. I also accept what is said in the report about your vulnerabilities and ability to cope in a custodial setting. I also have received a number of character references that speak very highly of you, including one from your employer. It is clear that you have worked all your life caring for others and do so with dedication. What is also clear is that given that you have had no convictions in your life up until this point that what went on with you and AB does not reflect the individual you became in later life. I say this not to diminish or excuse what you have done but by way of acceptance that the man I have to sentence is a more mature version of the young person who committed these incredibly serious offences. Applying the Guidelines For the buggery the correct guideline to use is that for sexual activity with a child. I do not use the rape guideline as the jury did not have to consider consent and on the evidence of the complainant (which touched on this point very briefly, could be seen as ambiguous and was untested) I have doubt on that issue. Combine that with the fact that AB could well have been over 12 years old I consider it would be inappropriate to use the rape guideline. Buggery of a boy under 16 carries a maximum sentence of life imprisonment and sexual activity with a child carries 14 years for an adult, or 5 years for those under 18 as you were. Harm is in category 1 as it involved penetration of the anus. Culpability is high as there was a clear abuse of trust. You had a significant level of responsibility towards a child in that you were there to care for and ensure that no harm came to him,

this was not a one off arrangement but one that went on for about a year for 2 to 3 nights a week for 12 hours at a time. I see no evidence that AB was targeted because he was particularly vulnerable, he was vulnerable by virtue of his age and that you were in charge of him but that does not make him particularly vulnerable. Nor can I find, in the absence of a conviction or admission, that AB was particularly vulnerable due to having been abused by another man before you abused him. I therefore do not accept the prosecution assertion that AB was particularly vulnerable simply because he was a child in your care. Nor is there anything to suggest that you specifically targeted AB because of his vulnerabilities. For an adult offender this provides a starting point of 5 years' custody with a range of 4 to 10 years. In relation to aggravating factors I cannot find that the offence occurring within the victim's home is an aggravating factor, it has already been taken into account by the finding of an abuse of trust due to you being a babysitter. In relation to mitigating factors there is your vulnerability in a custodial setting, your lack of previous convictions and your positive good character since the commission of the offences. If you had committed the offence as an adult I would impose a sentence of 4 years' imprisonment. For the indecent assault the correct guidelines are those for sexual activity with a child. These are guidelines predicated on a maximum sentence of 14 years' custody. Where the offender is under 18, as you were, the maximum is 5 years. The maximum for indecent assault was 10 years. This involved penile penetration of the mouth placing harm in category 1 and culpability in category A due to the abuse of trust. This provides a starting point of 5 years custody with a range of 4 to 10 years. Similarly to the buggery there are no aggravating factors and the same mitigating factors apply. If you had committed the offence as an adult I would impose a sentence of 4 years' imprisonment, even allowing for the differing maximum penalties between indecent assault and sexual activity with a child. In relation to the gross indecency with a child the correct guidelines are those for engaging in sexual activity in the presence of a child. The maximum sentence for that offence is 10 years' custody, or 5 years for those under 18. For gross indecency with a child it is 2 years for the period covered by this indictment. The offence involved masturbation and an abuse of trust placing the offence in category 2A with a starting point of 2 years' custody with a range of 1 to 3 years. With no aggravating factors and the same mitigation as for the buggery, and applying a measured approach to the guidelines having regard to the differing maximum sentences, had you been an adult the appropriate sentence would have been 12 months' custody. If I sentenced you today as having committed the offences as an adult the indecent assault and buggery offences would run concurrently as they may have occurred on the same occasion making a total of 4 years' imprisonment. The gross indecency with a child sentence would run consecutively as it would have occurred on a separate occasion and it is necessary to mark the fact that the abuse was not a one off but repeated itself. This would provide a total of 5 years' custody. Taking account of totality the sentence for gross indecency with a child would be reduced by 6 months making a sentence of 4 years and 6 months' custody. The Sentence I now consider the impact on that sentence of your age at the time of offending and the passage of time between the offending and the date of sentence. To my mind these

two factors can properly be reflected by imposing a sentence of 50% of that I would have imposed had you committed the offences more recently as an adult. This provides a total sentence of 2 years and 3 months' imprisonment. Making an allowance of 15% for prison conditions this provides a total sentence of 23 months imprisonment. The sentences are therefore: Buggery (ct. 5) 21 months' imprisonment Indecent Assault (ct.1) 21 months' imprisonment concurrent to the sentence for buggery Gross Indecency with a child (ct. 3) 2 months' imprisonment consecutive to the sentence for buggery The offences are too serious not to be marked with an immediate custodial sentence and so I cannot suspend the sentence or impose a non-custodial sentence. The sentence is therefore one of 23 months' immediate custody. Duncan Cooke Acting Judge of the Supreme Court Dated: 13 th March 2026 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII URL: <https://www.bailii.org/sh/cases/SHSC/2026/2025-1.html>

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