



IN THE MAGISTRATES COURT OF THE FALKLAND ISLANDS
MC/CRIM/07/26
7th September 2026

Before
HIS HONOUR JUDGE MALCOLM SIMMONS

BETWEEN:

REX
V
SEAN MARK BENJAMIN

MR. STUART WALKER, Senior Crown Counsel, appeared for the Prosecution
MR. DAMIAN SABINO of Bird & Co. appeared for the defendant

**Reporting restriction under section 465 of the Criminal Procedure and Evidence
Ordinance 2014**

SENTENCING REMARKS [REDACTED]

1. You appear today for sentencing having been convicted on 16th July 2026 on two charges:

Charge One

Sean Mark Benjamin, being a person aged 18 or over, between the 1st day of August 2024 and the 11th day of April 2025, intentionally touched XY, the touching was sexual, XY was under the age of 16 years and Sean Mark Benjamin did not reasonably believe that XY was aged 16 years or over, an offence under *section 211(1) of the Crimes Ordinance 2014*.

Charge Two

Sean Mark Benjamin, being a person aged 18 or over, on not less than three occasions, other than the occasion in charge one, between the 1st day of August 2024 and the 11th day of April 2025, intentionally touched XY, the touching was sexual, XY was under the age of 16 years and Sean Mark Benjamin did not reasonably believe that XY was aged 16 years or over, an offence under *section 211(1) of the Crimes Ordinance 2014*.

Offending

2. You met XY on Ascension Island in June 2024. Her niece had died in [REDACTED] which had a profound impact on her. She was going to Saint Helena with her family for a break, transitting through Ascension Island. You exchanged contact details with her and communicated with her on social media.
3. In June 2024, you travelled to the Falkland Islands to start a new job.
4. When XY returned to the Falkland Islands at the end of July 2024, you would 'hang out' together. You were someone she trusted; someone in whom she could confide. She would tell you about school, exams, family life and problems, including within friendship groups. She had also recently suffered family bereavements. She was clearly vulnerable.
5. You knew XY was 15 years of age. You were 27, 12 years older. You knew that having sexual intercourse with a girl of 15 years of age is a criminal offence.
6. I am in no doubt that you groomed XY for the purpose of your own sexual gratification.
7. You first had sexual intercourse with her in September 2024. You kissed her and asked her for sex. Although she was initially reluctant, you had persisted and eventually she relented. That is charge 1. Thereafter, she would visit your flat regularly and you would have sexual intercourse with her. That is charge 2.

Victim Impact

8. I have read a statement written by XY in which she describes the consequences of your offending. She is struggling emotionally, thinking about what you did to her, experiencing fear and anxiety. She says she finds it difficult to trust people. Inevitably your offending has affected her relationships with others. Her sleep has been disturbed by intrusive memories of what you did to her. Her trauma was no doubt exacerbated by having to give evidence before this court.

Maximum Sentences

9. The maximum sentence for an offence of sexual activity with a child under section 211 (1) of the Crimes Ordinance 2014, as read with subsection (2), is 14 years imprisonment.

Sentencing Guidelines

10. The appropriate guidelines are the England & Wales '*Sexual activity with a child/Causing or inciting a child to engage in sexual activity*' guidelines and the *Overarching Sentencing Guidelines*.

Sentencing

11. There are various approaches to sentencing in this case. Regardless of which approach I adopt, any sentence must be lawful, proportionate and just.
12. I have decided to deal with charge 2 first.

Charge 2

13. In terms of harm, charge 2 is within category 1. You penetrated XY's vagina with your penis on not fewer than three occasions.
14. I have very carefully considered the Culpability A and B factors in arriving at a sentence that is just and proportionate. Culpability in this case comes within category A. There was a significant disparity of age. You used grooming behaviour towards XY. You were a mature man; you had a job, a car and a flat. You befriended her, creating an environment in which she believed that she could trust you. She would tell you about school, exams, family life and problems, including within friendship groups. She had recently suffered family bereavements that she continued to struggle to come to terms with. You were aware of her vulnerability and you exploited that vulnerability for your own sexual gratification. These were features common to both charges.
15. The starting point for a category 1A offence is 5 years custody with a category range of 4 years to 10 years.
16. In terms of statutory aggravating features, I do not consider this to be a case involving abuse of trust, per se. I have already taken into account your grooming behaviour and I have been careful to avoid any double counting. The offending in Charge 2 occurred over an extended period of time.

17. Before consideration of your mitigation, the appropriate starting point for this offending is 5 years and 10 months imprisonment. I have applied an uplift to take into account your offending in charge 1, while being careful to avoid double counting.

Charge 1

18. In terms of harm, your having penetrated XY's vagina with your penis puts charge 1 within category 1.
19. Culpability comes within category A for the same reasons to which I have referred under charge 2.
20. The starting point for a category 1A offence is 5 years custody with a category range of 4 years to 10 years.
21. Before consideration of your mitigation, the appropriate starting point for this offending would be 5 years imprisonment, concurrent.

Pre-Sentence Report

22. I have received a pre-sentence report dated 20th August 2026 from the Probation Service for which I thank the Probation Officer.
23. Mr. Benjamin, you were born on 7th July 1997. You are now 29 years of age.
24. I am told that, following your conviction, you are no longer employed by the Falkland Islands Company.
25. Inevitably, your conviction will have consequences for those close to you. You are in a relationship. In fact, your girlfriend had travelled to the Falkland Islands to be with you. You have no reported dependents. You have a limited support network on the Falkland Islands. You continue to receive the support of your family, particularly your parents who are in court today. I understand that it was your parents intention to move to the Falkland Islands this month but that, for health reasons, this now seems unlikely.
26. You have no previous convictions recorded against you. I have taken that into account in sentencing.

27. You had intended making a life for yourself in the Falkland Islands. Following your conviction, that intention is unlikely to be realised. You will likely face deportation.
28. In note from the Pre-Sentence Report that there appear to be the first green shoots of your taking responsibility for your actions.
29. You are currently assessed as presenting a medium likelihood of further offending. You are assessed as posing a high risk of harm, primarily to post-pubescent female children, that risk being sexual in nature. The risk of harm is likely to be highest in situations in which you have unsupervised contact with female children, particularly in those situations in which you might be viewed as a trusted adult and the opportunity to form close relationships.
30. I have received character references from Raeanne Thomas, Jason Benjamin and Nigel Coleman. I have read those carefully. They give me a useful insight into the person who appears before this court this morning. They describe a very different person to the person who finds himself before this court. I have taken those references into account in sentencing.

Sentencing

31. I have had the benefit of sentencing notes from Mr. Walker and Mr. Sabino. I have taken into account everything said on your behalf by Mr. Sabino. I have also considered carefully the Pre-Sentence Report.
32. I have considered with care the totality guidelines. I have structured the sentence to reflect all of your offending behaviour with reference to overall harm and culpability, together with the aggravating and mitigating factors, arriving at a sentence that is just and proportionate.
33. The sentence I impose is 5 years imprisonment on Charge 2, and 4 years and 2 months imprisonment on Charge 1, concurrent.
34. I have considered the guidelines as to the imposition of a custodial sentence and whether it might be suspended. Sexual intercourse with an underage girl is a serious criminal offence. The nature of your offending is such that, on my assessment, the only appropriate sentence is immediate custody.

SENTENCE

35. THEREFORE, you will serve a term of imprisonment of 5 years on Charge 2, with a concurrent term of 4 years and 2 months imprisonment on Charge 1.

36. I am not making a compensation order in this case given the sentence and the defendants circumstances.
37. There is no application for a Sexual Harm Prevention Order and I do not consider one would be appropriate in the circumstances.
38. Because of the custodial sentence I am not making an order that you pay prosecution costs.
39. Following your convictions for these offences, you will be subject to notification requirements with the police for an indefinite period. You must keep the police informed at all times of your personal particulars, the address at which you are living, and any alteration in the name you are using.