



IN THE MAGISTRATES COURT OF THE FALKLAND ISLANDS

MC/CRIM/07/26

Trial dates: 14th – 16th July 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 appeared for the defendant

**Reporting restriction under section 459 of the Criminal Procedure and Evidence Ordinance
2014**

JUDGMENT

1. The defendant stood trial 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 the Complainant, the touching was sexual, the Complainant was under the age of 16 years and Sean Mark Benjamin did not reasonably believe that the Complainant 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 the Complainant, the touching was sexual, the complainant was under the age of 16 years and Sean Mark Benjamin did not reasonably believe that the Complainant was aged 16 years or over, an offence under *section 211(1) of the Crimes Ordinance 2014*.

Introduction

2. The Complainant was born on 11th April 2009. At the time of the alleged offences, she was 15 years of age.
3. The Defendant was born on 7th July 1997. At the time of the alleged offences he was 27 years of age.
4. On 29th January 2026, an achieving best evidence interview was conducted with the complainant at the Achieving Best Evidence Interview Suite in Stanley, Falkland Islands.
5. The Defendant was arrested on 30th January 2026 and interviewed by police the same day.
6. On 9th March 2026, the complainants sister gave an achieving best evidence interview.

Directions

7. The burden is on the Prosecution to prove that the Defendant is guilty. The Defendant does not need to prove anything. The Defendant does not need to prove that he is innocent. The Prosecution will only succeed in proving that the Defendant is guilty if I am sure of the Defendant's guilt. If I am not sure, then I must return a 'not guilty' verdict.
8. In this case the defendant has chosen to give evidence. He was not obliged to do so but chose to do so. In making that decision, he does not take upon himself any burden to prove his case. He still does not have to prove anything. The burden of proof rests squarely upon the prosecution from start to finish.

9. I do not have to decide every point that has been raised in this case. I am entitled to draw inferences, that is to come to common sense conclusions based on the evidence which I accept, but I may not speculate about what evidence there might have been or otherwise allow myself to be drawn into speculation. I have not made any findings of fact unless I am sure and, although I might not preface each finding of fact with that point, it should be taken that I am sure on the evidence of any factual finding that I have made. If I have made a factual finding it is on the basis that the Prosecution has the burden of proving its case so I am sure.
10. I have not conducted any reading into this case beyond the evidence sought to be and in fact relied on by the prosecution and defence. I have not considered any material that was not placed before the court or referred to in questioning of witnesses. I have not discussed the case or the evidence with anyone. Accordingly, the reasons for my verdict are entirely based on the evidence, my assessment of it and of the witnesses and the conclusions that I have drawn from all the evidence.
11. Allegations of the type that arose in this case may be highly emotive. I have put aside any emotion and judged this case solely on the evidence.
12. There is no typical sexual assault or typical person that is sexually assaulted. Sexual assault can take place in almost any circumstance. It can happen between all different kinds of people, quite often when the people involved are known to each other or may be related. There is no typical response to sexual assault. People can react in many different ways to being sexually assaulted. Some people will show emotion or distress and may cry. But other people will seem very calm or unemotional. Victims and witnesses respond in different ways to the events they have experienced or witnessed. It is possible for someone to put on an act if they choose to. I took all of this into account in my consideration of the evidence.
13. The complainant and her sister gave evidence in the form of ABE interviews. That is entirely normal in cases such as this and is a process designed to elicit the best evidence from a witness. This does not reflect at all on the Defendant and did not affect my assessment of the evidence. I assessed this evidence in exactly the same way as I assessed other evidence in this case.
14. The complainant and her sister gave evidence through a video link. Giving evidence in this way is entirely normal in cases such as this. It is designed to enable a witness to be more at ease and to focus on their evidence and does not reflect at all on the Defendant and did not affect my assessment of the evidence.
15. The complainants sister gave evidence about what the complainant told her had happened. I also heard the uncontested statement of Shannon Henry and evidence of Police Sergeant Mark

Dalton. I recognise this is not independent evidence. It is evidence of what the complainant told them about what she said happened. They were not present and did not see what did or did not happen. I also recognise that such witnesses may not accurately recall what they were told by the complainant.

16. The reason why I have heard about what the complainant said to these witnesses, is so that I can consider it in deciding whether or not the complainant has been consistent in what she has alleged and whether or not she has told the truth. And when deciding this I should consider, inter alia, for example, the timescale between the alleged incident and what she said to each of them; how the version of events unfolded and whether there is any consistency or inconsistency in what she said.
17. Inconsistencies in accounts can happen whether a person is telling the truth or not. This is because if someone has experienced a traumatic event such as the kind alleged in this case, their memory may be affected in different ways. It may affect that person's ability to take in and later recall the experience. Some people may go over an event afterwards in their minds many times and their memory may become clearer or can develop over time. But other people may try to avoid thinking about an event at all, and they may then have difficulty in recalling the event accurately. I have considered all the evidence that has been presented in this case, including apparent inconsistencies in order to evaluate the truthfulness of each witness.
18. I also recognise that just because a person gives a consistent account about an event, that does not necessarily mean that account must be true, any more than inconsistent accounts must be untrue.
19. In deciding whether an account given by a witness is true, I have looked at all the evidence, including inconsistencies. If I am sure the account is true, I have relied upon it. If I am not sure, I have disregarded it.
20. The fact the Defendant is in the dock is not relevant. I have treated the evidence of all witnesses equally. I shall decide whether any witness, including the Defendant, has been truthful and accurate or not, by having regard to what they say, whether it is consistent with what they have said on other occasions, how they gave evidence and how it compares to other evidence and to common sense.
21. Count 2 is a multiple occasion count. Due to the passage of time, the complainant cannot now be expected to recall on exactly what dates or occasions this conduct is said to have occurred. Count 2 alleges that the defendant unlawfully touched the complainant on at least 3 occasions. In respect of count 2, if I am sure that the defendant did what is alleged on at least 3 occasions, my verdict

will be 'guilty'. If I am not sure he did it on at least 3 occasions, my verdict will be 'not guilty', even if I am sure that he did it on 2 or fewer occasions. If I am not sure that the defendant did what is alleged, my verdict will be 'not guilty'. Therefore, to convict on count 2, I must be sure that what is alleged, happened at least 3 times. In calculating the number of occasions, I must exclude the occasion to which reference is made in count 1.

22. I heard speeches from both sides and I may wish to take account of the arguments in the speeches I have heard. Although helpful, I am not bound to accept them. Counsel and Solicitor for each of the parties ask me to look at the case from their respective position. Evidence is what I've heard from the witness box or what was read or the facts that have been agreed.

23. The defendant has no previous convictions. Good character is not a defence to the charges, but it is relevant in two ways:

(a) First, the defendant has given evidence. His good character is a positive feature which I have taken into account in his favour when considering whether I accept what he told the court.

(b) Secondly, the fact that a person has not offended in the past may make it less likely that he has acted as the prosecution alleges in this case. What importance I attach to the defendant's good character and the extent to which it assists on the facts of this particular case, are for me to decide. In making that assessment, I may take account of everything that I have heard about the defendant.

24. I have considered each count separately.

25. I take all of these matters into consideration in my assessment of the evidence.

Elements of the Offence

24. The Defendant stood trial on two counts under section 211 (1) of the Crimes Ordinance 2014:

(1) *A person aged 18 or over ('A') commits an offence if—*

(a) *A intentionally touches another person ('B');*

(b) *the touching is sexual; and*

(c) either —

(i) B is under 16 and A does not reasonably believe that B is 16 or over; or

(ii) B is under 13.

The Evidence

The Complainant

26. In October 2023 the complainant's niece had died. She told police that she had not been handling her death well. Clearly it had had a significant impact on her and her family. She said they had therefore decided to take a break and to go on holiday to Saint Helena.
27. In June 2024 they travelled to Saint Helena via Ascension Island. It was while on Ascension Island in June 2024 that the complainant and defendant met. She said she had told the defendant her age when they first met.
28. In June 2024, the defendant would move to the Falkland Islands for work. He would reside in a flat at Camber View in Stanley. Until January 2025, the defendant lived there alone.
29. Following that initial meeting on Ascension Island, the defendant and complainant had communicated on social media.
30. When the complainant returned to the Falkland Islands in July 2024, the defendant had suggested they meet. The complainant offered to show him around. Thereafter, their relationship had evolved. She said "...we would go out for lunch and that on Saturday's after work. And after he finished work I would just pop round see how he is. Like give him company and that." She said the defendant would buy her gifts and give her money. She said that she would talk about school, exams and home life. She said that he would listen and offer advice.
31. It was her evidence that they were spending more and more time together. She would visit his flat. She said that if they didn't see each other, they would speak by phone. She described him as a friend, someone in whom she could confide.
32. In her ABE interview, the complainant described an occasion at the defendant's flat when he had kissed her on her lips. In her ABE interview she said it had happened in September 2024. In

cross-examination she said July or August. She said that she had walked into his bedroom and he was sitting on the bed. He asked her to put his bracelet on. It was then that he had kissed her. The complainant said it was soon thereafter that the defendant had asked her to have sex with him. The complainant said she recalled this had happened at about the time she was doing her 'mocks'. She described being shocked at his request. She said she had initially said 'no' but that he had been, in her words, "persuasive". She had eventually relented and they had sex in his bedroom. She said she was 15 years of age. That is count 1.

33. After that first occasion, the complainant said the defendant would ask her for sex mostly every weekend. She said "he was just asking for it more and more and more." Thereafter, they had had sex on numerous occasions. All of this before her 16th birthday. That is count 2.
34. When they began having sexual intercourse the defendant had worn a condom.
35. It was agreed that on 13th November 2024 the complainant had been advised to start a combined contraceptive pill as a result of irregular menstrual cycle. That prescription was reviewed on 20th January 2025. On 23rd June 2025 a Nexplanon subdermal implant was inserted. On 10th December 2025, the implant was removed and she went back on a combined oral contraceptive pill.
36. The complainant said that, as their relationship evolved, the defendant would often call her in the early hours of the morning, after he had been drinking. She said that he could be verbally abusive.
37. The defendant was a mature man, in employment and living in his own flat. He was someone in whom the complainant could confide. I am in no doubt that the nature of their relationship was such that the complainant was becoming emotionally dependent on him.
38. In January 2025, the defendants girlfriend arrived in the Falkland Islands and moved into the defendants flat.
39. The complainant went to the United Kingdom with her school in February 2025. She said she had not told the defendant that she was going. Thereafter, it appeared their relationship ebbed and flowed. She said that after her 16th birthday in April 2025 the defendant had given her the "cold shoulder" and didn't speak to her until August 2025 when their sexual relationship had resumed.
40. Eventually the complainant told the defendants girlfriend that they had been in a relationship and together they confronted the defendant.

Witnesses

41. The witness is the complainant's sister. She was born on 30th May 2010 and was 14 years of age at the relevant time. She was 16 when she gave evidence before this court.
42. The witness recalled the complainant and defendant having met on Ascension Island in 2024.
43. When the defendant moved to the Falkland Islands she recalled having gone to his house with the complainant a few times. She recalled one occasion when she and the complainant had been sitting in the defendant's front room. She said the defendant had left the room and the complainant had followed. She said that she had heard what she thought was the defendant and complainant kissing. She said the complainant had told her they had kissed. She could not recall when that had taken place.
44. The Witness said the complainant would also go to the defendants home alone. She said the complainant had said she talks to the defendant about "her feelings and stuff", including things that, perhaps, the complainant felt unable to discuss with family.
45. She recalled an occasion in her mother's bedroom when the complainant had told her that she had "slept" with the defendant. In her ABE interview the Witness was sure this had happened before the complainant had gone to the UK in February 2025. However, in cross-examination she conceded that she could not now be sure if the complainant was already 16 when she first told her that she had slept with the defendant. She said she had asked how old the defendant was and had expressed surprise because they were cousins.
46. The Witness said the complainant had subsequently mentioned "a few times" that she and the defendant were sleeping together. She said the complainant had told her they were using protection and that if they were not having sex, that was because she was waiting for the defendant to get protection.
47. In her ABE interview, the Witness said she had wanted to tell her parents but that she did not want to lose the complainants trust. She said her father would be unhappy because they were related and that the police would become involved. She therefore chose not to tell anyone.
48. She said that, even following the arrival of his girlfriend, the defendant would contact the complainant, telling her his girlfriend had gone to work and that she could go round.

49. She said she knew the defendant would go out and get drunk and that he would then call and message the complainant, sometimes at about 2am. She said he would then say “bad things” to her and “have a go” at her for no apparent reason.
50. The complainant did not always respond when the defendant contacted her. The Witness said that she would sometimes receive messages from the defendant asking what the complainant was doing. She said she would not respond.
51. In January 2026, the complainant made a disclosure to Shannon Henry. The complainant and Ms. Henry had been friends since August 2025 when the complainant started working at the school where Ms. Henry worked. Shannon Henry gave a statement to police on 9th February 2026. Her evidence was not contested.
52. Ms. Henry knows the defendant, having been in a relationship with him on St. Helena. She said the complainant would often talk about him. She suspected the complainant had feelings for him. The complainant subsequently told her that she had lost her virginity to the defendant shortly after she had turned 15 and that she was then in a sexual relationship with him.
53. Following that disclosure, Shannon Henry arranged for the complainant to speak with Police Sergeant Mark Dalton whom she knew.
54. Sergeant Dalton gave evidence that on 27th January 2026 he was off duty and at home when he had received a telephone call from Ms. Henry who wished to speak with him. She and the complainant subsequently visited him at home. Sergeant Dalton knew the complainant because she and his daughter were friends.
55. Sergeant Dalton described the complainant being “very upset, crying and shaking.” She told him that she had been in a sexual relationship with the defendant and that it had started when she was 14 years old. He admitted that he had not made a contemporaneous note of what the complainant told him. He said that he had immediately contacted Social Services to make a Safeguarding referral and that he had made a statement the following day.

The Defendant

56. The defendant said that he had met the complainant once on Ascension Island in June 2024. He said they had exchanged contact details. He said they had subsequently chatted on messenger and that, following his arrival on the Falkland Islands, they had continued to chat.

57. The defendant described a casual friendship with the complainant. He said she would talk about school and about exams. He said the complainant would confide in him. He said she felt “left out, like she didn't fit in type thing”. He said they would talk about anything, including relationships and family problems. He admitted that they had become quite ‘close’. He said that he considered her to be a good family friend. He accepted that she needed a friend and that he was willing to provide that friendship.
58. It was his evidence that, having lost his key, the front door of his flat was unlocked. He said the complainant would “come and go”. He admitted that they had spent time alone together in his flat.
59. The defendant said that in August 2024 he had discovered the complainant was 15 years of age. Knowing her age he said he had become more cautious, particularly regarding his behaviour towards her and things he might say in her presence.
60. Referring to the occasion when the complainant had put his bracelet on his wrist, the defendant denied that they had kissed. He denied there had been any sexual contact with the complainant prior to her 16th birthday in April 2025.
61. The defendant's girlfriend arrived in the Falkland Islands in January 2025 and moved into the defendant's flat at Camber View.
62. When he was interviewed by police, referring to the first time that he and the complainant had had sex he said: “basically she would just come around, we kind of got to talk and stuff and then it just went from there and then we had sex.”
63. During that police interview he was asked several times if he could recall when he first had sexual intercourse with the complainant. He said he could not recall. He said: “I think it was after her birthday.” However, when he gave evidence before this court, he was sure that the first time that he and the complainant had sexual intercourse was in May 2025. He said the complainant would go to his flat when his girlfriend was at work.
64. Referring to protection used during sex, the defendant told police: “I used to use condoms at first because I just did. But she went on the contraceptive. I wasn't sure when, but yeah, she went on the contraceptive.” The defendant went on to say “But it was, like I said, it was, we started, we had something going on and then we stopped and then we went on a little bit more. We stopped. And then just before the Christmas, we went on a little bit more Christmas last year.”

65. The defendant said that while the complainant had wanted a more meaningful relationship with him, he had a girlfriend. He said he had told her they could be “friends with benefits” but nothing more. He admitted that he had engaged in a sexual relationship with the complainant behind his girlfriends back – albeit, it was his evidence this was after the complainant’s 16th birthday.
66. He said that when the complainant told his girlfriend about the nature of their relationship, she had stated “I told you that you cant get to be happy.”

Assessment of the Evidence

67. There was no dispute that the complainant and defendant had met on Ascension Island in June 2024. They had subsequently communicated by messenger app.
68. The defendant arrived in the Falkland Islands in about June 2024. He initially lived alone in a flat at Camber View, Stanley.
69. There was no dispute the defendant and complainant had engaged in full penetrative vaginal sex or that they had done so on a number of occasions. There was no dispute the sexual activity was intentional. It was agreed that the defendant was 27 years of age and the complainant was 15 years of age during the relevant period. The matter in issue was when full penetrative sexual intercourse had taken place.
70. I have been very cautious in my evaluation of the evidence - particularly in assessing those events that took place before the complainants 16th birthday and those that took place after April 2025.
71. In arriving at verdicts, I have considered all of the evidence. I have used a route to verdict.
72. When the complainant returned to the Falkland Islands at the end of July 2024, she and the defendant would ‘hang out’ together.
73. In August 2024 the defendant knew the complainant was 15 years of age. If sexual activity did take place before the complainants 16th birthday, it is not disputed the defendant did not reasonably believe her to be 16 years of age or over.
74. The defendant said that he knew that having sexual intercourse with a girl of 15 years of age was a criminal offence. He said that, because of her age, he had adjusted his behaviour. He was more cautious.

75. It was his evidence that he did not have sexual intercourse with the complainant before her 16th birthday.
76. Before turning to the specific allegations, I will address the complainants credibility and reliability.
77. The complainant's perception of her relationship with the defendant was that of boyfriend and girlfriend. They spoke regularly. She would visit him at his flat. She even performed household chores for him. That relationship became strained following the arrival of the defendants girlfriend in January 2025. She said the defendant had lied to her about his having a girlfriend. I am sure the complainant was upset and disappointed. Those would be entirely understandable human emotions. I am equally sure that she became resentful of the defendants girlfriend and his relationship with her. The complainant was left feeling "used". I have taken that into account in my assessment of her credibility.
78. The defendant was someone in whom the complainant felt she could confide; someone to whom she could vent; someone she trusted. She would tell the defendant about school, exams, family life and problems, including within friendship groups. She had also recently suffered family bereavements. The defendant was the person to whom she felt she could turn.
79. It was the complainants evidence that she first had sex with the defendant in or about September 2024. While uncertain about dates, she was sure it was at about the time she was doing her mock GCSE's. She should have sat those exams in June 2024 but they had been postponed. I am sure that she would have been 15 years of age at that time. After that, she described having sex with the defendant on numerous occasions.
80. There were inconsistencies in the complainants evidence. The complainant had referred in her ABE interview to a sexual relationship with the defendant having commenced in July 2024. That would be inconsistent with her other evidence. On my assessment, she simply misspoke when she referred to July. In fact, her relationship with the defendant had commenced at about that time. She was unsure about other dates.
81. Omissions, errors, and inconsistencies are common in witness testimony and do not inherently indicate dishonesty. Memory is reconstructive and fallible, often affected by stress, trauma, passage of time, or subconscious reconstruction. Witnesses occasionally struggle to recall detail in a linear, chronological way. Honest witnesses can make errors. I have extended the same latitude to all witnesses.

82. I watched and listened carefully to the account the complainant gave in her ABE interview and when she gave evidence before this court. Her evidence appeared unrehearsed. She gave a clear and coherent account of what she said had happened. In all material respects, her evidence has been consistent. I have carefully considered all of the evidence – including inconsistencies – and I have come to the very clear conclusion the complainant was a credible and reliable witness.
83. I recognise that the Witness is the complainants sister. I have carefully considered her evidence and what weight should be attached to it, particularly having regard to the nature of the familial relationship, the potential for bias, collusion and inadvertent contamination, while evaluating her evidence against other evidence. While giving a clear account in her ABE interview, in cross-examination she became confused and at times uncertain. That is often the presentation of an honest witness. I listened carefully to her evidence. On my assessment of her evidence, the Witness was an honest witness doing her best to assist the court.
84. The Witness described the occasion when she said the complainant had first told her that she had slept with the defendant. Although in her ABE interview she said this had happened before January 2025 and before the complainant had gone to the UK in February 2025, in cross-examination she said she could not be sure. She accepted the possibility it might have been after the complainant had turned 16 years of age in April of that year.
85. It is important to look at all of the evidence. Although in evidence she could not recall when the complainant had told her that she first had sex with the defendant, in her ABE interview she said that one of the reasons she had chosen not to tell her parents what the complainant had told her was because they would have “to go to the police.” On my evaluation of the evidence, I am sure that was because the complainant was only 15 years of age when she made that disclosure to the Witness.
86. The defendant told police he could not recall when he and the complainant had first had sex. He was asked about this several times. He said he thought it was after her 16th birthday. When he gave evidence before this court, he was sure that it had been in May 2025, in the month after the complainants 16th birthday.
87. Referring to the first time that he and the complainant had sex, the defendant told police: “basically she would just come around, we kind of got to talk and stuff and then it just went from there and then we had sex.” On my assessment of his evidence, this was not a pre-planned visit, it was simply a chance event, something that had happened on one of those occasions when, on his evidence, the complainant would simply turn-up at his flat. It was his evidence before this Court that this was in May 2025. That was a lie. Following the arrival of the defendants girlfriend in January 2025, the complainant was no longer free to just turn up whenever she chose. While I accept that she

did likely visit his flat after January 2025 when the defendants girlfriend was at work, this was by arrangement with the defendant. On my assessment of the evidence, I am sure that the occasion described by the defendant was before January 2025.

88. The complainant said that when she first had sex with the defendant, he had used a condom. She said the defendant continued to use a condom until she began taking the contraceptive pill.
89. Referring to contraception, the defendant told police: "I used to use condoms at first because I just did. But she went on the contraceptive." In evidence, the defendant said that he had misspoken; that was not what he had meant. In fact, I am sure that his recollection was entirely accurate. You see, following disclosure of the complainants medical records, he knew the complainant had first been prescribed an oral contraceptive in November 2024; a prescription that was reviewed in January 2025. I am sure the defendant was having sexual intercourse with the complainant before November 2024.
90. In her ABE interview the Witness referred to the complainant and defendant sleeping together and the complainant waiting for the defendant to get condoms. That is consistent with the complainant having told the Witness before November 2024 that she was in a sexual relationship with the defendant.
91. I note the complainant was prescribed an oral contraceptive in November 2024 and again in December 2025. I am sure the defendant was referring to the first occasion the complainant had been prescribed an oral contraceptive in November 2024. That the defendant was not referring to the second occasion the complainant had gone on the oral contraceptive in December 2025 is clear from his police interview. He told police: "we started, we had something going on and then we stopped and then we went on a little bit more. We stopped. And then just before the Christmas, we went on a little bit more Christmas last year..." I am sure that the relationship he was describing was sexual in nature.
92. That sexual relationship continued after the complainant began taking an oral contraceptive that was first prescribed in November 2024.
93. In January 2026, the complainant made a disclosure to Shannon Henry. Her evidence was not contested. Ms. Henry said the complainant had told her that she had lost her virginity to the defendant shortly after she had turned 15 and that she had been in a sexual relationship with him. That would be consistent with the complainants account.
94. Sergeant Dalton recalled the complainant being "very upset, crying and shaking", telling him that she had been in a sexual relationship with the defendant. It was his recollection the complainant

had stated the relationship began when she was 14 years old. That would be inconsistent with all of the evidence because the complainant did not meet the defendant until June 2024, when she was 15. It is also inconsistent with what the complainant had told Ms. Henry who was present at that meeting. On my assessment of the evidence, Sergeant Dalton was mistaken in his recollection. Indeed, he conceded that he had not made a contemporaneous note of what he had been told. The officer was an honest witness doing his best to assist the Court.

95. I am sure that the complainant and defendant first had sexual intercourse in September 2024. I am sure the defendant was over 18 years of age and the complainant was under 16 years of age and the defendant did not reasonably believe her to be over 16 years of age. I am sure the defendant intentionally touched the complainant by penetrating her vagina with his penis. The touching was, by its very nature, sexual. Of that I am sure.

96. On my assessment, the complainant was a vulnerable young girl who was groomed by the defendant to satisfy his own sexual desires.

97. Therefore, I find the defendant GUILTY on charge 1.

98. Turning to count 2.

99. I am sure a sexual relationship between the defendant and complainant began in September 2024.

100. When that sexual relationship began, the defendant had taken responsibility for protection and wore a condom. He told police that at first he had worn a condom and that the complainant had subsequently gone on the contraceptive pill. There was no dispute the complainant was first prescribed an oral contraceptive in November 2024.

101. I am sure that after September 2024 the defendant and complainant continued to have sexual intercourse and that, until the complainant was prescribed an oral contraceptive in November 2024, the defendant had used a condom. Thereafter, they had continued to have sexual intercourse.

102. The complainant said the defendant was asking for sex “more and more and more”. She said they had sex on “numerous” occasions. I am in no doubt that is what happened. I am sure the complainant and defendant would meet regularly when he was alone in his flat and that they would have sexual intercourse. That would change in January 2025 when the defendant's girlfriend moved into his flat.

103. I am sure that between September 2024 and January 2025, the complainant and defendant had sexual intercourse on not less than three occasions – other than the occasion in charge 1. I am

sure the defendant was over 18 years of age and the complainant was under 16 years of age and the defendant did not reasonably believe her to be over 16 years of age. I am sure the defendant intentionally touched the complainant by penetrating her vagina with his penis. The touching was, by its very nature, sexual. Of that I am sure.

104. Therefore, I find the defendant GUILTY on charge 2.