



Judiciary of England and Wales

HIS HONOUR JUDGE LUCIE

IN THE LEWES CROWN COURT
sitting at HOVE

Case: 47EH1077322

REX

-v-

IFOR WHITTAKER

aka

COLIN PRITCHARD

SENTENCING REMARKS

19th November 2024

1. **WARNING:** The provisions of the Sexual Offences (Amendment) Act 1992 apply to the offences in this case. Under those provisions, where a sexual offence has been committed against a person, no matter relating to that person shall, during that person's lifetime, be included in any publication if it is likely to lead members of the public to identify that person as the victim of that offence. This prohibition applies unless waived or lifted in accordance with section 3 of the Act.

Background

2. Mr Whittaker, you fall to be sentenced for two serious sexual offences against a young boy. You entered guilty pleas to these offences on 25th October, shortly before your trial that was due to take place on 4th November 2024. You had originally entered not guilty pleas and had served a defence statement in which you denied the offences and put forward an account that suggested the victim in this case was lying for financial gain. You had also denied the offences when interviewed by the police. Nonetheless you now accept your guilt, and you will receive the appropriate credit for your guilty pleas.
3. The offences took place sometime between 1st January 1999 and 31st December 2000. The victim was [anonymised], born on the 27th September 1993 and who was aged 6 years at the time of the offending.
4. The maximum sentence for rape on count 1 is life imprisonment. Count 2 under the law now would be considered to be oral rape and would also carry a maximum of life imprisonment but the maximum sentence for the offence you

have pleaded guilty to was 10 years at that time and I am limited by that maximum.

5. I have had the benefit of a Prosecution note on sentence dated 10th November 2024 and a defence note dated 11th November 2024. I consider a PSR to be unnecessary in this case as you are currently serving a long sentence for similar offending and the sentence I must impose will inevitably be a further lengthy custodial sentence. I have also seen a letter that you have addressed to me, 3 character references and some medical notes concerning your health conditions.
6. The case was fully opened and I heard full mitigation on 12th November 2024 but due to a lack of court time and to allow me to fully consider the matter I reserved sentence until today.

Facts

7. The facts have been fully set out by the prosecution in court and in the detailed sentencing note and I need not recite them in detail. In short, you were the vicar at St John the Baptist Church, Sedlescombe in East Sussex. You befriended the victim's grandmother. You baptised the victim and he was often left in your care as a child. On one occasion when he was 6 yrs old you took him to the vestry in the church and raped him anally and orally. Not unsurprisingly the victim was terrified and did not know what was happening to him and suffered intense pain. You told him not to tell his grandmother as it would be your little secret.

Victim personal statement

8. The victim made a VPS after you pleaded guilty. It is dated 8th November 2024 and it is on the CCDCS at T2. It was not read out in court at the victim's request. Not because he was embarrassed about the personal and difficult matters contained within it but because he wanted to protect his mother from it's contents. I respect his decision and will not refer to much of what the statement contains but I can assure him that I have read it and have taken it into account. It was a difficult read. Your offending has obviously had a very serious and long-lasting impact on his life which included a determined attempt to take his own life in 2019. Even now he still suffers with mental health issues and has suffered flashbacks. It has also had a significant impact on his personal relationships. He is still only 31 years old.

Other convictions

9. These offences came to light following your conviction in 2018 for a series of serious sexual offences against a boy aged between 10 to 14 years at the same church. They were not your first convictions. Those were in 2008 for other offences against two young boys at a different church in Wellingborough. In respect of the 2008 convictions you received a total of 5 years imprisonment. In respect of the 2018 offences you were sentenced to an extended sentence of 16 years. It is that sentence that you are currently serving. The offences included what would now be considered anal and oral rape. The prosecution has fully set out the facts of those offences in the sentencing note and the offending was very serious indeed.

10. You are now 80 years of age.

Sentencing guidelines

11. The P have set out the relevant starting points in the sentencing note. As far as the rape is concerned the relevant guideline is that for rape of a child under 13.

12. As far as harm is concerned both P and D say that this is category 2 offending (severe psychological harm and the child particularly vulnerable because of his extreme youth and personal circumstances). The P submit that because of your previous offending that aggravates harm into category 1. Your advocate argued that would be inappropriate.

13. As far as culpability is concerned the P submits this is category A – abuse of trust. Your advocate argued that there was no abuse of trust for the reasons set out in her note. I reject that submission. This was an egregious abuse of trust. The victim's grandmother plainly trusted you implicitly and left him in your care. She was entitled to assume that you would protect him from harm not expose him to it in the most depraved way. In my view, there was also an element of deliberate isolation in the way that you separated him from his sister.

14. The appropriate starting point in the guidelines is a matter for me. To reflect totality I will sentence all of the offending on count 1, and I take the view that the correct starting point for this offence is, in fact, category 1A. The combination of the serious psychological harm and the extreme youth of the victim and his personal circumstances elevates this to a category 1A offence.

15. The starting point is, therefore, 16 yrs with a range of 13 to 19 yrs. The same applies to count 2 but obviously I have to have regard to the fact that, at that time the offence was not considered to be rape and the maximum sentence was 10 yrs imprisonment.

Aggravating features

16. The aggravating features are these (I accept there will be some overlap and I am conscious that I should not “double count”):
- a. Whilst you did not have any previous convictions at the time of the commission of these offences you had plainly been committing sexual offences against young boys for a considerable period of time and the offences that I am dealing with were the last in that series of offending;
 - b. Specific targeting of a particularly vulnerable child;
 - c. Location and timing of the offence – when the victim was left with you in a church;
 - d. Steps to prevent the victim reporting the abuse but telling him not to tell his grandmother;

Mitigation

17. Mitigating factors:

- a. limited remorse;
- b. I have read the character statements about your positive good character but also have regard to what is said in the sentencing guideline about this issue, namely, *“Previous good character/exemplary conduct is different from having no previous convictions. The more serious the offence, the less the weight which should normally be attributed to this factor. Where previous good character/exemplary conduct has been used to facilitate the offence, this mitigation should not normally be allowed and such conduct may constitute an aggravating factor. In the context of this offence, previous good character/exemplary conduct should not normally be given any significant weight and will not normally justify a reduction in what would otherwise be the appropriate sentence”*.
- c. You are now 80 and are said to be in poor health.

Dangerousness

18. I must consider the statutory issue of dangerousness, but it is somewhat academic in this case because I cannot pass a determinate sentence. This is because you are considered in law to be an “offender of particular concern” as the offences involve the penetration of a child under 13 yrs. That means I would have to pass an extended sentence with at least one year extension whether you meet the statutory criteria of dangerousness or not.

19. Also, because of the dates of the offences you are not eligible for a discretionary “dangerousness life sentence”. Furthermore, the “two-strikes” provisions that would require to me to pass a life sentence do not apply.
20. However, I am required to consider whether I should impose a common law discretionary life sentence. There is a two-stage test when considering the imposition of a common law discretionary life sentence:
1. The offender must have been convicted of a very serious offence – sufficiently grave to warrant a substantive sentence; and
 2. There must be good grounds for believing that the offender may remain a serious danger to the public for a period which cannot be reliably estimated at the date of sentence.
21. This test was confirmed in the case of ***R v DP [2013] EWCA Crim 1143*** (CCDCS X3) upon which I sought submissions at the sentencing hearing. That confirmed that where a sex offender had been convicted of a very serious sexual offence against a child and he might remain a serious danger to the public for a period that could not be reliably estimated at the time of sentence then a discretionary life sentence was appropriate.
22. Your counsel accepted that the first test was met. However, she submitted that because of your age and ill health you are likely to die in prison and therefore could not present a risk to anyone and so would not present a serious danger to the public. I cannot accept that submission as I have not received any medical evidence that suggests that you have for example any terminal illness. I have been provided with some medical notes that show that you have a number of medical conditions but it appears to me that they are all being appropriately treated whilst you are in prison. In respect of the sentence you are currently serving you will be eligible for parole in about 4 years so it does not follow that you will never be released from prison.
23. The fact is that you have been convicted of a series of very serious sexual offences against children over a significant period of time that has culminated in the anal and oral rape of a 6 yr old boy that had been left in your care. This offending is of the most serious kind.
24. Applying the tests for a discretionary common law life sentence. Plainly these are very serious offences and there are, in my judgment, good grounds for believing that you remain a serious danger to young children for a period which cannot be reliably estimated today. You have been responsible for committing serious sexual offences against 4 young boys over a long period whilst abusing your position as a trusted member of the community as a vicar. You are, as the

offender in the case of **DP** was considered to be, a predatory paedophile and have been for many years. I doubt that you will ever cease to be a serious danger to young boys but that risk cannot be reliably estimated at this time.

25. It means that both tests are met. I recognise that a discretionary life sentence should only be passed in the most exceptional circumstances. However, I am also conscious of the fact that since the abolition of indeterminate sentences for public protection discretionary life sentences may be appropriate where a case might not be wholly met by the extended sentence scheme.
26. I have considered whether an extended sentence would meet the risk that you pose. However, because of the particular circumstances in which these offences have come to be sentenced and the fact that the maximum extension to any sentence I impose is only 8 yrs then I have decided that an extended sentence will not be sufficient to protect the public from serious harm from you.
27. In my judgment, the combination of offences is so serious that only custody can be justified and for the reasons that I have already given the appropriate sentence in this case, on count 1, is a sentence of life imprisonment.
28. I will turn to the minimum term for this sentence shortly.
29. In relation to count 2 I must have regard to the different sentencing regime at the time and the different maximum sentence. Taking into account the aggravating and mitigating factors the shortest period of imprisonment commensurate with the seriousness of the offending on count 2 is 8 yrs. I have listened carefully to the submissions of your counsel on the amount of credit you should get for your guilty plea. It came late, just a few weeks before your trial but I accept that this meant that the victim did not have to give evidence which would, no doubt, have been very traumatic for him. Had you pleaded guilty at the PTPH you would have been entitled to 25% credit. At trial you would have received 10% so in your case the credit must be somewhere between those figures. I have come to the conclusion that the appropriate reduction should be half the maximum credit or a 1/6th reduction. This is slightly higher than I would normally allow but reflects the fact that the victim did not have to give evidence.
30. It follows that the sentence on count 2 will be 6 years and 8 mths to reflect credit and will be concurrent to count 1.
31. On count 1 I must set the minimum term. Your counsel submitted that had this case been dealt with at the time of your last conviction in 2018 it would not have added a great deal to that sentence. I cannot accept that submission. Plainly the court in 2018 considered that offending to be exceptionally serious yet that

involved children that were significantly older than the victim in this case. I am quite sure that the court would have considered a discretionary life sentence on that occasion.

32. Taking into account the aggravating and mitigating factors the shortest period of imprisonment commensurate with the seriousness of the offending on count 1 is 18 yrs. That is reduced to 15 yrs because of your guilty plea.
33. I must also make an adjustment for totality in accordance with the Totality Guideline to reflect that you are already serving a long sentence for similar offending and, doing the best I can to reflect that, I will reduce the sentence further to one of 12 yrs.
34. Because you would have served up to two-thirds of that sentence in custody I fix the minimum term which you will serve at two-thirds of 12 years: that is 8 years which will be concurrent to the sentence that you are serving. Because of that fact I cannot reduce the minimum term any further to reflect the time that you have spent in custody awaiting sentence.
35. This means that the minimum term which you will serve before the Parole Board may consider your possible release is one of 8 yrs. It is most important that you and everyone concerned with this case should understand what this means. The minimum term is not a fixed term after which you will automatically be released but is the term that must be served before the Parole Board can undertake their first review of the case. They will review the risk that you then present and will consider whether you can properly be released from custody subject to licence at that stage and if so on what terms. If and when you are released you will be subject to licence; and this will remain the case for the rest of your life. If for any reason your licence is revoked, you will be recalled to prison to continue to serve your life sentence in custody. It follows that unless and until the Parole Board consider that your release is appropriate then you will remain in custody.
36. You will be subject to the sexual offences notification requirements for life and will be disbarred from working with certain categories of person.
37. The statutory surcharge does not apply and I cannot award compensation as you do not have the means to pay any.
38. To summarise, Mr Whittaker, I pass a sentence of life imprisonment on count 1 with a minimum sentence of 8 years. On count 2, I pass a concurrent sentence of 6 years and 8 months.

HHJ Lucie
19th November 2024