



JUDICIARY OF
ENGLAND AND WALES

Regina

-v-

Francis Paul Cullen (T20137258 and T20140092)

In the Crown Court sitting at Derby

24 March 2014

Sentencing remarks of His Honour Judge Jonathan Gosling

Background

Francis Cullen, you are now 85 years old. You were ordained a Catholic priest in 1953 when you were 24. You were assigned to the parish of Mackworth very shortly afterwards. You soon began sexually abusing boys as young as 7 years old. The abuse continued throughout your ministry, spanning a period of no less than 34 years, in your successive parishes of Mackworth, then Buxton, and finally in Nottingham. If anyone were ignorant of the irrevocable damage which sexual crimes by an adult – more particularly by a man in your position – has on a child, how fully they would be informed by hearing the victim impact statements in this dreadful case.

You carried on the abuse, undeterred by the gossip and rumour you were beginning to generate. As early as 1964, you were challenged by the parents of one of your victims, S. That complaint was reported to the diocesan hierarchy. A senior member of the clergy had a meeting with the boy's parents. Nothing was done to remove you from the parish. You went on, notwithstanding that complaint, to commit, in the same parish, the most serious forms of abuse against your principal victim, M.

You were able to continue getting away with your crimes for two reasons. First, because of the position you held. In the years that you practised in the Catholic ministry, devout parishioners – adults and children alike – revered the priest, and of course trusted him without question. Secondly, you were, as it is variously expressed by the witnesses, held personally in the highest esteem: formidable, charismatic, very intelligent and extremely popular. Apart from your duties in the church, you were closely involved in other activities with children of the parish. The parents, many of whom had no car of their own, were happy to allow you to take their children swimming, and on other activities they enjoyed. You were also welcomed into the parents' homes. They could never have guessed that in truth you were a predatory paedophile – a term which was at that time unknown to the vocabulary. You were in reality cunning, devious, arrogant – in the word of one of your victims, despicable. I have read a letter sent to me by a teacher who worked alongside you all those years ago. She wrote it in good faith, portraying your qualities as a priest, and in the way she

saw you behave towards children. But that letter simply reinforces the point: you led a double life, your public persona and behaviour belying your revolting behaviour in the sacristy, the presbytery, and elsewhere when you were alone with one of your victims.

You took full advantage of your position, and the trust in which you were held, to satisfy your perverted lust. The children were all young, and had, understandably, been indoctrinated in such a way that some did not think that what you were doing was wrong. Others did realise it could not be right, but had no idea how to report it, or to whom. It was not that they simply feared not being believed. It was that the issue was too monstrous for them. All your victims have, to different degrees, continued – some now in their retirement – to have difficulty discussing the abuse, even with those very close to them. I have read their impact statements, which have been referred to in the course of the Crown's careful and detailed opening. Their whole lives have been blighted. In a number of instances, relationships between the victims and their parents, devout Catholics, suffered terrible damage. All have had their ability to enjoy normal relationships disorientated. It is impossible to reconcile the fact that you were administering the sacraments of the Catholic Church – baptism, confession, communion, confirmation - at the same time as you were indulging yourself with these children, some of whom served on the altar at which you celebrated Mass. To say that you were a disgrace to your cloth understates your activity. This was gross hypocrisy. In a sentence, your entire life was a lie.

Arrest in 1991

In 1991, your crimes at last caught up with you. One of your victims, H, then only 12, stayed with you for a fortnight at the presbytery in Nottingham. His parents had gone on holiday. Plainly intending what you had in mind, you offered to look after the boy in his parents' absence. Of course his mother was grateful. After the holiday, the boy told his mother what you had done. You were arrested, charged, and put before the Magistrates. They bailed you. Far from owning up to your crimes, you left your victims to their fate, skipped the country and went and hid in Tenerife for the next 22 years.

Delay in passing sentence

You can have no complaint that you are now having to face sentence so late in your life. You have brought that entirely on yourself. More importantly, you have brought it on your victims, now themselves in their late middle age. It is well recognised that those of very advanced years should ordinarily have a modest reduction of their sentence on that account. But I have to balance against that not only the fact that the delay in sentence is your own doing, but that you have been on the run all these years. There is no separate charge to reflect that. It is a significant aggravating factor in this sentencing exercise. Your victims have been cheated of justice all that time, with no idea where you were, or whether you were still alive. The letter prepared by Dr Henry, who has several times assessed you on remand, tells me that, in spite of your age, you are in good health.

Credit for pleading guilty

You receive little credit for pleading guilty now in relation to the complainants A(m), M and H. You were brought back into this country in August last year. Only one week before the trial hearing, on 24th February, did we hear that you may now plead guilty to those crimes. That only came about after the additional witnesses, S, B(m), A(f) and B(f) came forward, which no doubt brought home to you the futility of continuing your denials. But prior to

that, you made your position clear. You dismissed the allegations as a fabrication. You filed a Defence Statement to that effect. You ignored an invitation by me, in open court after the new complaints had emerged, that you should carefully consider your position. I was told that your denials were maintained. The case had by then been set down for trial for many months. It is true that you waived your right to specialty in relation to the recent complainants, but it is almost inevitable that the Spanish authorities would have consented to the fresh charges. As far as those recent additional complainants are concerned, you have pleaded guilty at the first opportunity, and I will allow you full credit of one third from the sentence you would otherwise have received. In relation to the original complainants, I will discount the sentences on account of your late guilty pleas by 15%. I take full account of your carefully advanced mitigation. In particular, your victims have not, in the end, had to enter the witness box. For them, at last, there will be comfort from your guilty pleas. You have not re-offended in the last 22 years. I can not, however, give weight to your good character, given that your offending started when you were so young, and spanned all those years.

Sentence

Count 10

I start with Count 10, by far the most serious charge in the Indictment. When M was 14 years old, after prolonged lesser abuse I shall address in a moment, you tried to enter the boy's anus. He was naked on the floor of the presbytery. I have to consider, for the purpose of this, and all these counts, the Sentencing Council's Definitive Guideline for sexual offences, published in 2007. The Court of Appeal has repeatedly affirmed that the guideline applies to the activity in question, whatever the date of offence, provided the court has regard to the maximum sentence applying at the time the offence was committed. Then, as now, this offence was subject to a maximum of life imprisonment. The act is now called attempted rape. The description of this crime by M is graphic, and comes as close as is possible to the completed offence. Given the gross breach of trust accompanying the offence, this falls within category 2 of the guideline, with a starting point of 10 years and a range of 8 to 13 years. This was a single offence, not repeated on this or any other victim. The sentence had you been tried by jury, given the enhanced degree of trust and the devastating effect on that boy, later man's, life, would have been 11 years imprisonment, reduced, to reflect your plea of guilty, to 9 years 3 months. However, to allow a proportionate sentence in relation to your other victims, 6 in all, I reduce that term to 8 years.

Counts 6, 7, 8 & 9

On other occasions, reflected in counts 6, 7, 8 and 9 in relation to this same victim, you repeatedly masturbated to ejaculation in front of him. You made him share a bed on holiday in Ireland, and again in a caravan on a cub camp. You indulged in open mouthed kissing with the boy on other occasions, all that activity I have described when he was as young as 8 to 12 years old. You told that little boy not to tell his parents what you were doing to him. On those counts, (6, 7, 8 and 9), reducing the sentence appropriate to the same extent, there will be concurrent sentences of 12 months. But that sentence must be consecutive to the sentence on count 10.

The remaining counts

In sentencing you for the remaining offences, I must have careful regard to totality of sentence. The individual sentences would have been significantly longer otherwise, but, as I have already made clear, the requirement that I must keep the overall sentence proportionate means I can not pass in relation to each victim the sentence I would have passed were that offence to stand alone. I explain this so that the victims, in particular the three present in Court today, understand the sentences in their individual cases. I am required to apply the principles clearly set out in the Definitive Guideline issued by the Sentencing Council on Totality of Sentence. I have reminded myself of those principles. In my judgment, the proper sentence overall is 15 years imprisonment, notwithstanding your age and frailty.

Counts 1, 2, 3, 4, 5 & 18

For the offences in counts 1, 2, 3, 4, 5 and 18, subjecting your victims to open mouthed kissing and placing your hand on the penis of the boys concerned, and the girl's thigh, 18 months concurrently for each offence, but consecutive to the other terms.

Counts 11, 12, 13, 19, 20 & 21

For the offences in counts 11, 12, 13, 19 and 20, getting the boys to masturbate you, and hugging one whilst you had an erection, 3 years concurrently on each count, but again consecutive to the other sentences. On Count 21, a concurrent sentence of 12 months.

Counts 14, 15, 16 & 17

For the offences in counts 14 to 17, which involved you touching the girl's vagina and getting her to rub your penis, the sentence is 18 months concurrently on each count, consecutive to the other terms, making a total of 15 years.

You will be due for release at the half way point of your sentence. If you are released, you will be on licence for the whole of the remaining term, and liable to recall to prison if you breach the licence or commit any other crime.

Ancillary Orders

The Independent Barring Service will confirm your lifetime disqualification from working with children in any capacity.

The Sex Offender registration requirements remain in force in your case for life.

I decline to make a Sexual Offences Prevention Order. No such order is appropriate given your likely age and infirmity if you are released as I have indicated.

Commendations

The Police Officers involved in this long and difficult enquiry are to be commended for their tenacity, and their sensitive dealings with the many victims in the case. The Officers have let it be known publicly that their breakthrough came as a direct result of the help they received

from the Nottingham Catholic Safeguarding body, Family Care. That body was able to discover Francis Cullen's whereabouts, and having done so, immediately alerted the Nottinghamshire Police to this fresh lead.

There have been a number of efforts over the years by the police to trace Francis Cullen and bring him to justice. The victims of this man's abuse have found it extremely hard to come forward and maintain their determination to see justice done. This must have been acutely difficult, in particular, when some of them discovered, as surely they did, that, following his extradition, he was proposing to fight the allegations. I have not sought to refer in detail to their victim statements, which are deeply personal accounts of the profound effect this man has had on their lives, carefully presented by Miss Knight in her opening. Everyone in Court who has had to listen to what they endured would, I am quite certain, wish their strength and determination to be publicly recognised. I hope that the conclusion of this case will enable them to come to terms with what they suffered over many decades.