

Neutral Citation No: [2024] NICC 9

Ref: OHA12462

ICOS No: 23/009782

*Judgment: approved by the court for handing down
(subject to editorial corrections)**

Delivered: 13/03/2024

**IN THE CROWN COURT IN NORTHERN IRELAND
SITTING AT LAGANSIDE COURTHOUSE**

THE KING

v

**MICHAEL CAMPBELL
and
ROBERT MERVYN FULTON**

**Mr C Murphy KC with Mr D Russell KC (instructed by the Public Prosecution Service)
for the Crown**

**Mr B Kelly KC with Mr S Toal KC (instructed by KRW Law, Solicitors) for the Defendant
Campbell**

**Ms E McDermott KC with Mr P Bacon (instructed by Reavey & Co, Solicitors) for the
Defendant Fulton**

O'HARA J

Introduction

[1] The first defendant, Campbell, has pleaded guilty to two offences:

- (i) The murder of Roy Reynolds between 26 and 29 March 2022.
- (ii) Attempting to prevent the lawful and decent burial of Mr Reynolds' body on 28 March 2022.

[2] He pleaded guilty to the second offence on 20 April 2023, but only pleaded guilty to the murder on 14 December 2023. On 14 December 2023, I sentenced him to life imprisonment on the murder charge as I am required to do by law. I must now set the tariff which is the minimum number of years which he must serve in prison before his release can even be considered by the parole commissioners. In addition to that sentence, I must also sentence him for the second offence of attempting to prevent the lawful burial of Mr Reynolds.

[3] The second defendant, Fulton, pleaded guilty to the only charge which he faced on 16 June 2023. That offence was of assisting Campbell, who he knew or believed had committed the offence of murder, in that he helped Campbell remove, transport and try to conceal Mr Reynolds' body and that he did so without lawful authority or reasonable excuse between 26 and 29 March 2022. I must now sentence Fulton for that offence.

[4] I am grateful to all counsel for the assistance in presenting helpful and concise submissions in this case which involves an appalling murder and shocking actions after the murder which have made the grief endured by Mr Reynolds' family even more difficult to cope with.

Background

[5] Mr Reynolds was 54 when he was murdered. He lived alone in Newtownabbey, on the outskirts of Belfast. On Monday 28 March 2022, he was found dead in shallow water in a reservoir a few miles away in Carrickfergus. The police investigation has pieced together the following sequence of events.

[6] CCTV footage shows Mr Reynolds walking on his own on the evening of Sunday 27 March at about 8:40pm at Derrycoole Way in Rathcoole. At about 10pm a Ms Wright, who is Campbell's half-sister, received a video message from Campbell. It is clear from the video that Campbell was in his flat at Derrycoole Way with his girlfriend, a Ms Waring, and Mr Reynolds. From this video it can be inferred that Mr Reynolds met Campbell at some point that evening and joined Campbell in his home for drinks.

[7] Between 4:24 and 5:52am on Monday 28 March, Campbell's neighbour, a Mr Gourley, phoned the police to say that he had seen Campbell outside dragging a naked body towards a silver car and putting the body in the boot. Mr Gourley was clearly in shock but the information which he provided led to the car in question being identified as belonging to Fulton.

[8] That car was stopped just before 7am in Newtownabbey. Fulton was the driver and Campbell was the passenger. Campbell was observed to have blood on his face which he tried to explain away as being the result of a fight with his brother. There were blood stains on the driver's door, but more importantly, the carpet in the boot was bloodstained. In light of the information already available to the police, Campbell was then arrested on suspicion of murder.

[9] At the scene Fulton was separated from Campbell by the police and asked questions which led to him giving information that the body seen earlier by Mr Gourley was in a nearby dam. In fact, he got the precise location wrong, but that turned out not to matter because at about 8:45am the police received a call which led them to the North Woodburn reservoir in Carrickfergus. Mr Reynolds' body had

been seen in the water, mostly covered by reeds. The caller was able to say that she could see that his throat had been cut.

[10] When the police arrived, they saw that the body was naked from the waist up and that Mr Reynolds' trousers and underwear had been pulled down to his ankles. Close by there was a pool of blood and a pile which included bloody clothes, towels and bin bags.

[11] Campbell's home was examined by the police. It was evident that this was where the murder had occurred. There was extensive blood staining downstairs in the flat, in the kitchen, in the toilet and in the living area. In addition, there was blood staining on the front door step and a trail of blood which led from the front door around the outside of the property to a communal car park.

[12] Blood samples matching Mr Reynolds' DNA tied both defendants to Mr Reynolds from whom a post mortem blood sample was taken. That testing revealed that Mr Reynolds' blood contained three times the level of alcohol permitted for lawful driving.

Post mortem

[13] Mr Reynolds' body was examined on 30 May 2022 by Dr Ingram, Assistant State Pathologist. His conclusion was that the cause of death was head, chest, neck and abdominal injuries. As Mr Murphy KC submitted, that statement belies the ferocity of the attack that was carried out upon Mr Reynolds. Dr Ingram refers to more than 100 injuries on the surface of the body which had been inflicted by a variety of mechanisms. These included injuries which were consistent with the use of a knife, punches and kicks or blows from another weapon. I will not go through the whole catalogue of horror which is contained in Dr Ingram's report but there were stab wounds and facial bruising which was associated with severe underlying fractures of the upper jaw, cheekbones, orbits and nasal bones. These would have required substantial force to inflict. Some wounds were consistent with kicks or stamps or blows from a weapon. Injuries were found on almost every part of Mr Reynolds' body.

[14] Dr Ingram summarised his findings as follows:

“Thus, in summary, he has sustained multiple injuries by a variety of mechanisms. It was the combined effects of the injuries to his head, neck, chest and abdomen which resulted in his death with ligature strangulation also possibly having played a role. However, the appearances of the ligature mark and the absence of any congestive pinhead sized haemorrhages within the eyes might suggest that the ligature had been applied after death. The severity of his injuries and the absence of inhalation

of blood deeply into the lungs would tend to indicate that he was already dead when placed in the reservoir. Furthermore, in the absence of any diatoms which are silicate algae within a sample of bone marrow taken from the right femur lends further support to the hypothesis of him having already been dead when placed in the water."

Interviews with the defendants

[15] When interviewed by the police Campbell gave different versions of the events which led to Mr Reynolds' death. Each version was as wholly unconvincing as the next. He claimed that Mr Reynolds had caused him to lose control by making allegations about events which took place many years earlier. There is no reason to believe this version for a second. He also put forward an account in which he asserted that he had, indeed, hit Mr Reynolds but only after Mr Reynolds lunged at him, putting Campbell's life at risk. If I accepted that version, even as a possibility, I would be accepting that a very drunk Mr Reynolds, who was not a strong man, caused Campbell who was 20 years younger to fear that he might die. I do not accept that proposition, even for a second, as a remote possibility.

[16] In addition to these accounts Campbell alleged at a later stage that Ms Waring his girlfriend had been present and had taken part in the fatal attack. She was then said by Campbell to have taken off the trainers which she had been wearing, place them in a bag and put on another pair before leaving. That is simply not true. The police accept that there is no evidence implicating her in the assault which led to Mr Reynolds' death.

[17] At yet another point Campbell claimed that he had put Mr Reynolds in the car for the purpose of going to get help. That was obviously a lie. It was also a lie for him to pretend that he and Fulton were on their way to get that help when the police stopped them.

[18] During these interviews Campbell repeated the claim that he had blacked out at various points and/or that he just could not remember anything. Many more lies were told including a claim that he had left Mr Reynolds' body lying on the grass beside the reservoir. When asked about the breeze block found in the water with the body in an apparent effort to weigh it down, he denied that too.

[19] In Fulton's interview something a lot closer to the truth emerged. Fulton who was 68 years old at the time and is now 70, had been very close to Campbell's mother for some time and, he said, "helped Campbell out for that reason despite not wanting to." He received a number of phone calls from Campbell in the early hours of Monday 28 March 2022 which he initially ignored. Eventually, he answered them and was told to come to Campbell's home: "it was very important" that he do so, he was told. Fulton then described the horror of arriving there and finding the dead body and of being cajoled or bullied into helping dispose of it.

[20] Fulton's version of events may not be entirely true, but it is accepted by the police as being close to the truth. Significantly, it is largely in keeping with the results of the various parts of their investigations.

Personal circumstances

(i) Campbell

[21] I have the benefit of two psychiatric reports on Campbell and the pre-sentence report helpfully prepared by Ms Finnegan of the Probation Board for Northern Ireland. The first psychiatric report from Dr Harding dated 30 June 2023 is informative in terms of Campbell's background which is a bleak one. From a very young age he was disruptive. He needed help with his mental health from his early years and as an adult. His records show entries from 1999 when he was only 10 for disturbed conduct, progressing through a drug overdose in 2001, child attention deficit disorder, violence towards others as a teenager, substance misuse by the time he was 20 and social personality disorder. He was prescribed medication for both ADHD and depression for many years.

[22] These conditions and behaviours are reflected in a criminal record in Northern Ireland and also in Scotland where in 2005 when he was just 15 years old, he was sentenced to five years' detention in a young offenders' institution for a serious assault resulting in permanent disfigurement.

[23] It appears that none of the supports or treatments Campbell received were successful in improving his health or conduct to any marked or sustained degree. This prompted Dr Harding to confirm a diagnosis of PTSD, depression and ADHD which were untreated at the time of the killing of Mr Reynolds. On that basis Dr Harding suggested that a finding of guilty of manslaughter by reason of diminished responsibility rather than guilty of murder was open in this case.

[24] With respect, that was always an ambitious suggestion and was entirely rejected by Dr Brennan, psychiatrist, when he reported for the prosecution in response to Dr Harding. He recognised from the records that Campbell has had significant difficulties over the years, but he did not agree that at the relevant point Campbell was experiencing an abnormality of mental functioning. That is the test which is deliberately set high in order to limit the circumstances in which defendants can avoid responsibility for murder and have pleas to the lesser charge of manslaughter accepted instead.

[25] On Dr Brennan's approach Campbell had not experienced any significant features of depression, PTSD or ADHD on the day of the killing of Mr Reynolds. On the contrary he had enjoyed a pleasant and incident free time with his family that afternoon and had later become intoxicated at home with Mr Reynolds after consuming a significant quantity of whiskey. In this context Dr Brennan noted, quite

properly in my opinion, that while Campbell asserted that Mr Reynolds had attacked him the nature and extent of the injuries sustained by Mr Reynolds and the apparent absence of any significant injuries sustained by Campbell might call into question Campbell's explanation that he was somehow acting in self-defence.

[26] Ultimately, Campbell received advice from his legal representatives and did not advance the defence of diminished responsibility. This then led to the plea of guilty to murder in December 2023. That in turn led to the securing of the pre-sentence report from Ms Finnegan.

[27] Her helpful report analyses Campbell's background in a manner similar to Drs Harding and Brennan. When speaking to her, even after his plea of guilty to murder, Campbell still advanced excuses and explanations which have no basis. For example, in relation to self-defence, he embellished his earlier lies by describing how Mr Reynolds "repeatedly" rose after being knocked down by him. Not unsurprisingly, it is reported that using the standard assessment tool Campbell was placed in the high range in terms of the likelihood of reoffending and was assessed as posing a significant risk of causing serious harm in the future. I agree entirely with those assessments which are indisputable.

(ii) Fulton

[28] Mr Greer of the Probation Board prepared a report of considerable value on Fulton in August 2023, some time ago but after the guilty plea. In this report it is confirmed that Fulton was, or is, a man who led a happy and productive life until 2000 when he was knocked down by a van as he crossed a road. This led him to suffer life changing injuries to the extent that for two years he was an inpatient in a rehabilitation unit. It was during this time that he became friendly with Campbell's mother and, through her, acquainted with Campbell.

[29] The report describes how when Fulton arrived at Campbell's home and found the scene with all the blood and the body, he was struck by panic and a state of fear because Campbell was somebody of whom he was afraid. It is in that context that Fulton's actions might be properly and fairly understood.

[30] This proposition is supported by the fact that while Fulton has 28 previous convictions, they are almost all for relatively minor motoring offences. He last appeared before a court in 1996 when he was fined in relation to defective tyres and failing to maintain his vehicle. The result of this is that the Probation Board assessed him as presenting a low likelihood of reoffending with a number of protective factors identified. He was not assessed as posing a significant risk of serious harm in the future. In contrast to Campbell it should be noted that Fulton fully accepted his responsibility for the offence to which he pleaded guilty. And more than that, Mr Greer records that Fulton expressed remorse throughout their meeting.

Victim impact statements

[31] I have received deeply moving statements on behalf of the family from Mr Reynolds' twin sister, from one of his two daughters and from a nephew. It is clear from them how much he was loved and is missed by his family and friends. The shock of his murder, especially the brutality of it, has made all of their lives so much harder than before.

[32] A major extra element of distress and grief has been caused by the way in which Mr Reynolds' body was treated. It is one thing to lose a family member to murder. It is worse again, a lot worse, when the body is taken in the boot of a car and dumped in water. The inevitable public interest and the media reporting which these events have attracted (however understandable and legitimate) have added yet more to the family's sorrows.

[33] The two years that it has taken this case to finalise in court have added yet a further element to the family's grief. While lawyers understand why the developments which I have summarised above take time, it is not seen in the same way by the public or by those close to Mr Reynolds. Seen through their eyes, Campbell's failure to admit and take responsibility for his actions have only aggravated what he did on that terrible night in March 2022. As Mr Reynolds' sister wrote, she can never have the same closure or acceptance of fate that she would have had if her brother had died naturally or in an accident and the dragging out of the case in court makes the pain greater.

[34] For Mr Reynolds' daughter, one of the extra causes of pain is that she had only recently told him that he was going to be a grandfather again. He missed out on that joy, and she missed his presence throughout that exciting time in her life.

[35] There are many other ways, far too many to list, in which Mr Reynolds will continue to be missed by his sister, his children and all of his family. For all of them life has changed forever. He will continue to be missed immensely.

Sentencing

[36] In this jurisdiction the courts continue to take as their starting point for tariffs in murder cases the approach which was adopted in *R v McCandless* [2004] NICA 1. In that case the Court of Appeal endorsed the Practice Statement issued in England and Wales by Lord Woolf [2002] 3 All ER 412.

[37] Paragraphs 10-19 of the Practice Statement read as follows:

"The normal starting point of 12 years

10. Cases falling within this starting point will normally involve the killing of an adult victim, arising

from a quarrel or loss of temper between two people known to each other. It will not have the characteristics referred to in para 12. Exceptionally, the starting point may be reduced because of the sort of circumstances described in the next paragraph.

11. The normal starting point can be reduced because the murder is one where the offender's culpability is significantly reduced, for example, because: (a) the case came close to the borderline between murder and manslaughter; or (b) the offender suffered from mental disorder, or from a mental disability which lowered the degree of his criminal responsibility for the killing, although not affording a defence of diminished responsibility; or (c) the offender was provoked (in a non-technical sense), such as by prolonged and eventually unsupportable stress; or (d) the case involved an overreaction in self-defence; or (e) the offence was a mercy killing. These factors could justify a reduction to eight/nine years (equivalent to 16/18 years).

The higher starting point of 15/16 years

12. The higher starting point will apply to cases where the offender's culpability was exceptionally high or the victim was in a particularly vulnerable position. Such cases will be characterised by a feature which makes the crime especially serious, such as: (a) the killing was 'professional' or a contract killing; (b) the killing was politically motivated; (c) the killing was done for gain (in the course of a burglary, robbery etc); (d) the killing was intended to defeat the ends of justice (as in the killing of a witness or potential witness); (e) the victim was providing a public service; (f) the victim was a child or was otherwise vulnerable; (g) the killing was racially aggravated; (h) the victim was deliberately targeted because of his or her religion or sexual orientation; (i) there was evidence of sadism, gratuitous violence or sexual maltreatment, humiliation or degradation of the victim before the killing; (j) extensive and/or multiple injuries were inflicted on the victim before death; (k) the offender committed multiple murders.

Variation of the starting point

13. Whichever starting point is selected in a particular case, it may be appropriate for the trial judge to vary the starting point upwards or downwards, to take account of aggravating or mitigating factors, which relate to either the offence or the offender, in the particular case.

14. Aggravating factors relating to the offence can include: (a) the fact that the killing was planned; (b) the use of a firearm; (c) arming with a weapon in advance; (d) concealment of the body, destruction of the crime scene and/or dismemberment of the body; (e) particularly in domestic violence cases, the fact that the murder was the culmination of cruel and violent behaviour by the offender over a period of time.

15. Aggravating factors relating to the offender will include the offender's previous record and failures to respond to previous sentences, to the extent that this is relevant to culpability rather than to risk.

16. Mitigating factors relating to the offence will include: (a) an intention to cause grievous bodily harm, rather than to kill; (b) spontaneity and lack of pre-meditation.

17. Mitigating factors relating to the offender may include: (a) the offender's age; (b) clear evidence of remorse or contrition; (c) a timely plea of guilty.

Very serious cases

18. A substantial upward adjustment may be appropriate in the most serious cases, for example, those involving a substantial number of murders, or if there are several factors identified as attracting the higher starting point present. In suitable cases, the result might even be a minimum term of 30 years (equivalent to 60 years) which would offer little or no hope of the offender's eventual release. In cases of exceptional gravity, the judge, rather than setting a whole life minimum term, can state that there is no minimum period which could properly be set in that particular case.

19. Among the categories of case referred to in para 12, some offences may be especially grave. These include cases in which the victim was performing his duties as a prison officer at the time of the crime, or the offence was a terrorist or sexual or sadistic murder or involved a young child. In such a case, a term of 20 years and upwards could be appropriate."

[38] For the prosecution, Mr Murphy KC, submitted that this is obviously a case where the higher starting point applies because Campbell's culpability is high. That is because of the following factors:

- Mr Reynolds was older, weaker and more vulnerable due to his consumption of alcohol.
- Gratuitous violence was used to inflict so many injuries on Mr Reynolds with multiple attacks on his body.

[39] In the most serious cases yet higher sentences are called for. Mr Murphy submitted that this is one such case because:

- The body was stripped, put in the boot of a car and dumped in a reservoir.
- Campbell gave multiple false accounts of why he killed Mr Reynolds which are not true, even implicating Ms Waring. In doing so he blackened or tried to blacken Mr Reynolds' name and memory.
- Campbell's record over many years shows a willingness to use violence and sometimes serious violence.

[40] Mr Kelly KC, accepted these factors but warned against double counting them, thereby inflating the total sentence. He submitted that the starting point should be 15-16 years before recognising that the sentence should be reduced because of the following mitigating factors:

- (i) The fact that Campbell pleaded guilty despite Dr Harding's report being in his favour.
- (ii) Campbell's own vulnerability which is clear from both medical reports even if it does not amount to diminished responsibility.
- (iii) The element of provocation which led to the loss of self-control.
- (iv) The guilty plea itself which is of value, and which should be recognised.

Conclusions on Campbell

[41] Weighing up aggravating and mitigating factors is not a mathematical exercise. One or two aggravating features can significantly outweigh two or three mitigating factors, and vice versa. The correct approach is to take these factors on a case by case basis. Comparisons with other cases which are decided on different facts are not typically particularly helpful.

[42] In this case Campbell's murder of Mr Reynolds was brutal in the extreme – relentless and merciless. It was made worse, many times worse, by what was done by Campbell to Mr Reynolds' body after he was killed. It wasn't just that it was dumped in the reservoir. Before that his clothes were removed or pulled down to his ankles by Campbell.

[43] In sentencing terms I intend to treat the second count of putting the body in the reservoir in an attempt to prevent a lawful and decent burial as a feature of the first count of murder and thereby increase the tariff. Accordingly, the sentence which I impose for the second count will be concurrent and will not be of any real meaning. It is, however, a factor of great importance. Preventing a lawful and decent burial is a common law offence for which there is no maximum sentence. It follows that attempting to do so similarly does not carry a maximum sentence.

[44] In terms of mitigation I acknowledge Campbell's difficult life circumstances, but in murder cases personal circumstances are of limited value. The only mitigation which I accept as being of any true value is the guilty plea for which I will make allowance below.

[45] For the savage murder, before allowing for the guilty plea, I impose on Campbell a sentence of 24 years. There are simply too many aggravating factors to take any less a course, especially considering what was done to the body of poor Mr Reynolds. I recognise that in reaching that point I have gone far above the higher starting point of 15-16 years already referenced but the combination of circumstances in this case is exceptionally appalling.

[46] The law recognises that there is value in a guilty plea because it saves the family of the deceased from having to endure a trial, even if the result of the trial is in little doubt. In some cases the fact of a guilty plea is in itself regarded as a sign of remorse. In this case I am sceptical about the extent to which Campbell has shown remorse. It was certainly not apparent in Ms Finnegan's report. Nonetheless, while the case against him was overwhelming the fact is that Campbell did plead guilty, and I am obliged to recognise and make allowance for that.

[47] Taking account of all these factors I reduce the tariff to 21 years. That is the minimum term which Campbell will have to serve in prison before the parole commissioners will consider whether he should be released. Whether and when he will be released will be a matter for them.

[48] On the second count of attempting to prevent the lawful and decent burial of Mr Reynolds' body I impose a prison sentence of four years. As already indicated it will be served concurrently with the murder tariff.

Conclusions on Fulton

[49] Turning now to Fulton, I am satisfied that he can be treated very differently. The obvious and most important difference between him and Campbell was that he was in no way involved in the murder of Mr Reynolds. His involvement came afterwards and entirely at the instigation of Campbell. That is not to say that his crime is not serious. Assisting an offender is obviously serious, especially if the offender has just murdered someone, but in Fulton's favour are the following factors highlighted on his behalf by Ms McDermott KC:

- (i) He admitted his role from the time he was stopped in his car and immediately helped the police.
- (ii) He admitted his role during police interviews.
- (iii) He has a limited criminal record and no record of any sort in recent years.
- (iv) He does not pose a risk to the public.
- (v) His guilty plea came as early as June 2023.
- (vi) He has shown genuine remorse.

[50] Fulton was in custody from 28 March 2022 until June 2023, a period of almost 15 months.

[51] For his role in these events I sentence Fulton to three years in prison which I reduce to two years four months by reason of his guilty plea. This leaves him to serve one year two months in custody and one year two months on licence. In effect, he has served his prison sentence and will not be returned to prison unless he reoffends during the remaining period of his licence.

[52] At the end of his report Mr Greer suggested that supervision could assist Fulton in areas of self-esteem, decision making and assertiveness. With that in mind Mr Greer suggested that supervision of Fulton in the community might ensure that he maintains his stability which he wishes to return to. I agree and endorse the recommendation which Mr Greer made in the following terms:

"Fulton must attend any appointments and engage with any assessments with psychology, psychiatry, counsellor

or GP practitioner and co-operate fully with any care, medication or treatment or counselling they recommend.”