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Judgment: approved by the court for handing down (subject to editorial corrections)*	*Delivered:* **20/05/2025**

IN THE CROWN COURT IN NORTHERN IRELAND
SITTING AT LAGANSIDE COURTHOUSE

THE KING

v

JULIE ANN McILWAINE

Mr R Weir KC with Mr I Tannahill (instructed by the PPS) for the Crown
Ms E McDermott KC with Mr JP Shields (instructed by Breen Lenzi Maguire Solicitors) for the Defendant

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SENTENCING REMARKS

KINNEY J

Introduction

[1] The defendant, Julie Ann McIlwaine, was unanimously convicted by a jury of the murder of her partner, James Crossley, on 1 March 2022. I sentenced her to life imprisonment for the murder of the deceased at the conclusion of the trial. I must now set the minimum period of time which she must serve in prison before her release will be considered. At the end of this period it will be for the Parole Commissioners to assess what risk if any she continues to pose to the public at that time and whether she should be released or continue her sentence.

Victim statements

[2] A considerable number of statements have been provided to me by both immediate and extended members of the family circle. I am conscious from these that the deceased's mother died last July and did not see the trial process or the verdict of murder returned by the jury. I have taken the victim statements into account in considering the appropriate tariff to impose in this case. They describe in detail the importance of the deceased to his wider family, his love of life and his role as a son, brother, father and nephew. In eloquent and moving language they paint

the full picture of the devastating impact his death has had, individually and collectively, on those affected. Their lives will never be the same again. There will be a continuing effect on their emotional well-being and they already feel the heartache of special occasions where their loved one should have been present. It is important that the family know that their voices are heard. Sentencing is not only about the defendant. There is a context to sentencing and it is imperative that a proper and transparent sentencing exercise is followed. I will now turn to deal with other aspects of that exercise.

Background

[3] During the trial most of the evidence relating to the offence came from the defendant herself by way of a lengthy 999 call she made for an ambulance, the subsequent extensive body worn video footage of her interaction with a police officer and then in police interviews.

[4] The defendant and the deceased were engaged in a relationship over a period of some two years. It is not in dispute between the prosecution and defence, and there was abundant evidence before the jury, that the relationship was characterised by significant domestic violence and abuse visited on the defendant by the deceased. The defendant was undoubtedly the victim of chronic domestic violence and abuse at the hands of the deceased. She was unable to extricate herself from this relationship. Various examples of the nature of the relationship were put in evidence. One, however, is of some significance.

[5] The defendant had made a complaint relating to an incident in October 2021. The defendant and the deceased had a young child together who was around four months old in October 2021. Their relationship was not approved of by the defendant's family. In October 2021, the couple were seen together by the defendant's sister. There was an argument between the couple about the care of their young daughter. The defendant was staying in the deceased's house at the time and she packed her bags and those of her children (she had three other children who were not the children of the deceased). The defendant said that the deceased came downstairs and she told police that he punched her on the side of the head and then when she fell he put his knees across her chest and strangled her. She managed to kick out and got away and got into the car with the children but the deceased got into his jeep and boxed her car in so it could not move. The defendant pressed the horn in her car to rouse neighbours and the deceased drove away. He was subsequently arrested and charged with assault occasioning actual bodily harm and criminal damage. The police investigation was still ongoing at the time of the murder in March 2022.

[6] The relationship of the couple was characterised by violent arguments followed by breakup and then getting back together again. At the time of the murder the deceased was staying with the defendant but the relationship was being conducted in secrecy away from families, social services, lawyers and others. On

1 March 2022, the couple travelled together in the car. The deceased initially lay on the back seat of the car so he would not be seen. The defendant subsequently told police that there was an argument in which the deceased threatened her family, called her children names and threatened that he would make sure that the defendant would never see her children again. The defendant said that the deceased made her phone the police that day to withdraw her complaint against him relating to the events in October 2021. The jury heard evidence from a detective constable who had received a voice message on 1 March 2022 at approximately 13:30 hours. She recognised the defendant's voice. In the message the defendant said she wanted to make a withdrawal statement and she asked the constable to phone her back.

[7] In the afternoon of 1 March 2022, the defendant and the deceased returned to the defendant's house where she told him to take his stuff and leave. He entered the house but did not come back out. In the house the deceased told the defendant he was sorry and the defendant subsequently told police it was "just like the same circle, it always happened again."

[8] The couple then drank together. The defendant went to the shop to get more alcohol. They continued drinking. The deceased also took sleeping medication. The defendant told police that when they went to bed she kept thinking about everything that the deceased had been saying. The defendant said that the last thing the deceased said to her before going to sleep was that she needed to choose between him and her family. The defendant said that she felt she would lose everything. If social services found out about the relationship she would lose her children. The defendant said that she had always maintained if she lost everything she would end up killing herself. She told the police:

> "We had a couple of altercations in the weeks running up to last night, and I'm like, I just felt like I had no way of getting away from him you know, it was like I just wanted it all to stop. I went downstairs, and I did get the knife, and I came back up the stairs. And I did, I did push it into him but I didn't, I didn't want him, I didn't want him to die. I didn't want, I didn't know what I was doing. I didn't, it was like something just came over me, I didn't know what I was doing but I knew what I was doing. I can't describe it. I just panicked, I just threw the knife, I don't even know what I done with the knife, I don't know if I dropped it, I don't know if I threw it, and I just picked the baby up and I just run out and locked myself in the downstairs bathroom and phoned the police."

[9] The defendant said she was having suicidal thoughts on the night that the deceased died. She tried to text a close friend after the deceased had gone to sleep but the friend did not respond at the time. The defendant said that she did not know what to do and that she just panicked. She went downstairs and got a knife and

came back upstairs to the bedroom. She then stabbed the deceased. The post-mortem revealed that the cause of death was stab wounds to the chest and abdomen caused by a bladed weapon such as the knife found at the scene. There were ten stab wounds. At the time of death there was some alcohol in the deceased's body, the concentration being just below two and a half times the current legal limit for driving, indicating that he was probably moderately intoxicated. The couple's young baby was present in the bedroom and on the bed when the defendant returned from the kitchen with a knife. The defendant moved the baby and then stabbed the deceased a number of times. She then took the baby and went downstairs, locked herself in the downstairs bathroom and phoned 999.

[10] During the trial the jury heard significant evidence from two psychiatrists. Dr Christine Kennedy had been retained by the defence and Dr JP Kenney-Herbert had been retained by the prosecution. Both psychiatrists spoke of recognised cycles in certain forms of domestic abuse. Dr Kennedy described relationships which are initially very intense. A person can feel very good but soon sees signs of possessiveness and jealousy, similar to those reported in this case by the defendant, including issues of contact with family and others. Initially, a victim will try to manage the situation by appeasing the perpetrator. The perpetrator will use controlling behaviour to make sure a victim does what they want. The victim is often isolated from others and displays what looks like collusion with the perpetrator as a way of coping, of appeasing and of managing behaviours.

[11] The next stage of coercive behaviour includes physical assaults, threats of abuse, intimidation, name-calling and taunting. A victim feels fearful, anxious and humiliated. There is a loss of self-esteem. Typically, a perpetrator will shower a victim with gifts, with declarations of love and with promises. The perpetrator may also attempt to justify their actions by manipulation, saying the victim made them do a particular thing. So the victim then reconciles with the perpetrator and the cycle begins again. Dr Kennedy described this as the traumatic bond.

[12] In circumstances such as these, Dr Kennedy told the jury, it looks like a victim makes the wrong choices. But there is a subtle control which is not easily seen. There are great difficulties for victims in extricating themselves from such relationships and the bonds with the perpetrator are incredibly strong and addictive. Dr Kennedy described a perception that a victim could just walk away as being "naïve but understandable." Dr Kennedy told the jury that the defendant had described a pattern of thoughts, feelings and behaviours typical of those experiencing intimate partner violence.

[13] Dr Kennedy referred to the ultimatum made by the deceased to the defendant on the night of his death. The defendant had described how she felt coerced to reject her family and that if she did not, the deceased would disclose their secret relationship. She believed she could lose her children. The deceased had given her an ultimatum to make a choice. Dr Kennedy said that the trigger to distress for a

victim may appear relatively minor to other people but in the history of cumulative abuse and fear it could be perceived by the victim as serious.

[14] Dr Kenney-Herbert is a consultant psychiatrist who was originally retained by the prosecution in this case. He referred to the history of the relationship between the defendant and the deceased which was characterised by coercive and controlling behaviour. He noted that the defendant had said she loved the deceased and said this was illogical but that was the nature of the traumatic bond in such relationships.

[15] The defendant had contacted police at the urging of the deceased to withdraw the complaint she had made against the deceased relating to the events of October 2021. The deceased then sent the defendant text messages telling her that he loved her. Dr Kenney-Herbert said the sequence being followed was of an act of violence followed by pressure on the defendant to drop the charges. When the defendant did this the deceased made expressions of love and of a better future going forward. Dr Kenney-Herbert said this sequencing was very important and described the defendant's bond with the deceased as pathological, enmeshed and toxic. He told the jury in this case that it was recognised that the intermittent use of violence, periods of psychological abuse followed by apologies and signs of distress in the perpetrator, which then lead to reconciliation with further periods of relative normality and promises of things improving, all served to reinforce the pathological bonding of the victim to the abuser making it harder to break free. Dr Kenney-Herbert said that much of the defendant's behaviour seemed irrational and ill-advised but it was a response to trauma and the development of traumatic bonding. He described her actions on the night of the murder as superficially logical. The most logical thing for her to do that night was leave the house and call for help. He accepted that the defendant's actions in obtaining the knife and going back to the bedroom were rational actions but they had to be viewed in the context of the toxic bond between the parties and the irrationality of the relationship.

[16] Both of the consultant psychiatrists assessed the defendant to have been experiencing an acute stress reaction at the time of the offending and exhibiting significant features of complex PTSD although she did not meet the full diagnostic criteria for a diagnosis.

Sentencing guidelines

[17] For many years the case of *R v McCandless* [2004] NICA 269 has provided the guiding principles for sentencing in murder cases. In that case the Court of Appeal approved and adopted for use in Northern Ireland a Practice Statement issued by the Lord Chief Justice of England and Wales in May 2002. The court set out the relevant part of the practice statement in its judgment at para [9] where it said:

"[9] The Practice Statement set out the approach to be adopted in respect of adult offenders in paragraphs 10 to 19:

> ***The normal starting point of 12 years***
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> 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.
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> 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).
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> ***The higher starting point of 15/16 years***
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> 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.
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> ***Very serious cases***
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> 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.
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> 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."

[18] The Court of Appeal in *McCandless* also emphasised that the Practice Statement was intended to be only guidance and the starting points were points at which the sentencer may start on a journey towards the goal of deciding upon a right and appropriate sentence. Starting points should be varied upwards or downwards by taking account of aggravating and mitigating factors. It is clear that the process is not one of rigidity or inflexibility such that a case must be fixed into one rigidly defined category.

[19] The guidance given in *McCandless* was considered recently in the Court of Appeal in the case of *R v Whitla* [2024] NICA 65, where the court refined the *McCandless* categories. The court referred to *McCandless* and said at para [37]:

> "[37] This decision has been applied in our jurisdiction for a considerable period of time. It has also recently been

> discussed in a number of other murder cases by this court, such as *R v Hutchison* [2023] NICA 3, *R v Nauburaitis* [2024] NICA 37 and *R v McKinney* [2024] NICA 33. All of these decisions point to the fact that sentencing for murder in Northern Ireland allows for flexibility on the part of sentencers within the guidelines provided by *McCandless*. It seems to us, that these cases also reflect the fact that as societal conditions change, judges should be aware of different issues which may not have been expressly stated in *McCandless*, but which, nonetheless, they can take into account. In particular, in *Hutchison*, the fact of a prolonged history of domestic violence against the victim and other partners was a relevant aggravating factor. In *Nauburaitis*, the fact that there was desecration of the deceased's body was also an additional aggravating factor."

The court went on to say:

> "[39] Recently, in *R v McKinney* this court reiterated that each murder case is fact specific. In this jurisdiction the Court of Appeal has also consistently said that the guidelines that derive from *McCandless* applying the Practice Statement of Lord Woolf should not be applied in a rigid compartmentalised way. The benefit of *McCandless* is that in this jurisdiction it allows flexibility to sentencers in the myriad of different scenarios that arise in murder cases. We repeat what we have said in many previous decisions that judges should be free to consider factors not specifically mentioned in *McCandless* as aggravation in a particular case, including a track record of domestic violence (see *R v Hutchison*) and desecration of a dead body (*R v Nauburaitis*). This way murder sentences in Northern Ireland have been able to reflect the circumstances of murder cases with the benefit of the reference procedure if sentences are thought to be too lenient or appeal if manifestly excessive. It is the function of the Court of Appeal to set appropriate guidelines and to review any guidelines previously given.
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> [40] This appeal turns upon application of *McCandless* once again. As such we consider that the time has come to refresh the *McCandless* categories. This approach is based on the collective experience of the members of this court that a lower starting point of 12 years, previously termed the normal starting point (sub para [10] of the

Practice Statement) rarely arises in murder cases. Only exceptionally if the circumstances explained in *McCandless* arise may consideration be given to the lower culpability of the offenders. The experience of this case illustrates the fact that having to consider this starting point in every case may deflect the sentencer away from reaching an appropriate sentence. Recourse to this starting point will only arise where culpability is low and so arises in only a small number of cases. This should be the practice going forward.

[41] We are cognisant that most murder cases in Northern Ireland will fall within what has previously been termed the higher starting point of 15/16 years which involves high culpability (sub para 12] of the Practice Statement). As such we think it better that this should now be termed the normal starting point.

[42] In addition, where exceptionally high culpability arises a higher starting point as described in sub para [19] of the Practice Statement adopted in *McCandless* can be applied of 20 years or more. We are content that the descriptors given in *McCandless* cover most circumstances that arise for this higher bracket based upon exceptionally high culpability but repeat the fact that sentencers have flexibility to consider modern circumstances. Multiple stabbing cases can come within this bracket.

[43] We stress that what we have said does not amount to any sea change in terms of murder sentencing. It is simply a recalibration to reflect the complexion of cases we have had before our courts in the 20 years since *McCandless* was penned. In summary, *McCandless* should now be read with following revision: (i) The normal starting point is 15/16 years. This is based on high culpability (ii) In exceptional cases of low culpability, the starting point may reduce to 12 years. (iii) In cases of exceptionally high culpability the starting point is 20 years.

[44] It is not necessary for us to redefine *McCandless* any further as the factors that feed into each starting point and aggravating or mitigating factors are comprehensively set out. In addition, sentencing judges are expressly reminded that they have the flexibility to

> vary the starting point upwards or downwards to take into account the particular circumstances of each case."

[20] The lower starting point of 12 years was affirmed with qualifications. The higher starting point of 15/16 years was described as a normal starting point based on high culpability. Cases involving exceptionally high culpability could have a starting point of 20 years applied. However, as I have noted earlier, there is a caution against an overly mechanistic approach and the risk of double counting. It is important to consider the individual features of the case with due regard to the circumstances of the offence and also the circumstances of the offender.

Consideration

[21] All of the evidence relating to the offending behaviour of the defendant comes from the defendant herself. However, there was evidence which supported her case that she was the victim of serious domestic abuse and this was not ever seriously challenged during the trial.

[22] The defendant never made any case that she suffered from a mental impairment such as automatism or a full state of dissociation. She did not make a case of self-defence. However, I am satisfied that at the time of the offending the defendant was suffering from an acute stress reaction and that her condition impacted upon her actions at the time of the murder. To use the language of *McCandless* I am satisfied that the defendant was provoked (in a non-technical sense) by the prolonged coercive control and abusive behaviours inflicted upon her by the deceased. I am satisfied that such conduct can drive people to actions which they would not otherwise countenance. Her relationship with the deceased was described by Dr Kenney-Herbert as pathological, enmeshed and toxic. It is too simplistic to say that a victim can simply walk away. Isolation from others, including family, increases the power of the perpetrator of coercive control and abuse and makes an individual more vulnerable to decisions which appear irrational and unwise.

[23] It is impossible in my view to properly consider the events of 1 March 2022 leading to the murder of James Crossley without considering the toxic relationship that existed between the parties. Domestic violence is sadly an all too common feature of society and one which is gaining greater recognition and understanding. The evidence before the court in this case was that one in four woman can experience domestic violence at some stage. There was also evidence before the jury that it is very rare that a woman would kill her partner in his sleep. A victim of chronic domestic violence and abuse will often find themselves unable to extricate themselves from such a relationship and it is important that society recognises more clearly the nuanced issues in such relationships of traumatic bond and the way in which a victim can react to the machinations of the perpetrator.

[24] Victims of domestic violence can appear to act against their own self-interest and can act in ways which superficially appear to be irrational and inconsistent. In particular Dr Kennedy in her evidence to the jury demolished the shibboleth that it is easy for a victim of coercive control and domestic abuse to simply walk away. To blame the victim for not walking away is to blame the victim for the actions of the perpetrator. In this case the defendant described herself as having no escape from the relationship. She said the deceased was making her choose between her own family and him and she felt there was no way out.

[25] This was a case in which a very clear pattern of domestic abuse and coercive control emerges from the evidence. What is unusual is that it was the victim of that domestic abuse who has inflicted the fatal wounds on her partner. There was a significant domestic history with frequent reports to the police about the behaviour of the deceased, the granting of court orders restraining the behaviour of the deceased in various ways and, at the time of his murder, an outstanding charge of assault occasioning actual bodily harm and criminal damage for which the defendant had taken the first steps, at the behest of the deceased, to withdraw her complaint. None of this of course can ever provide a justification for the kind of crime committed by the defendant. Whatever the circumstances nothing can excuse the murder of another person, abusive partner or otherwise, and the law requires condign punishment for such offences.

[26] The defendant's evidence to the jury was that her first thoughts in the bedroom that night were of self-harm. I have already noted that almost all the evidence of what occurred on 1 March comes from the account of the defendant. The defendant did not give evidence at the trial and the jury were told that it was open to them to draw an adverse inference against the defendant for her failure. The jury in the trial did have available to it the 999 call made by the defendant, her comments on body worn video immediately after the murder and her interviews with the police. I am alive to the fact that the defendant's evidence could be self-serving.

[27] However, several aspects of the evidence are corroborated by evidence from others. There is evidence of a substantial domestic violence history. There was evidence of an incident involving the parties at the Royal Belfast Hospital for Sick Children witnessed by staff. The defendant resided in a Woman's Aid hostel for several months. The deceased had been the subject of several police investigations, had been convicted of an assault against the defendant in August 2021, that a restraining order was imposed on the deceased, that he was in breach of his bail conditions by being with the defendant at the time of the murder. There was a restraining order and non-molestation order made against the deceased relating to the defendant.

[28] A police officer gave evidence of hearing voice notes of an incident between the defendant and the deceased about two weeks before the murder in which the deceased was heard threatening to burn the house down, describing the defendant's

children as being ugly and every one of them having a problem and threatening to take away their baby. That voice note was played in court to the jury. There was a domestic violence register compiled by police. That register also contained some reports made by the deceased against the defendant. There was also evidence of the text messages sent by the defendant to her friend at around the time of the murder. The defendant was also assessed by two consultant psychiatrists instructed by the defence and the prosecution. Her account was not contradicted. In all those circumstances I am satisfied that I can rely upon it.

[29] In terms of mitigation, I do not find that there was any significant premeditation in the actions of the defendant. There was no evidence of planning and no evidence of any preparation. The time elapsing between the defendant's texts to her friend and the 999 call is measured in minutes. I am satisfied that, looking at the evidence in the round, the defendant acted impulsively in her irrational decision-making. The defendant's remorse is also starkly obvious, not least on the body worn footage seen by the jury during the trial. Finally, the defendant has no criminal record although in the circumstances of this case not a great deal of weight is attached to this factor.

[30] It is clear that the deceased was vulnerable. He was asleep, having previously consumed alcohol and prescribed medications. He does not appear to have been aware of the actions of the defendant until much too late. The murder itself was brutal and savage.

[31] The aggravating features I find in this case are the multiple stabbings of the victim who was clearly vulnerable, the use of a pointed weapon and the fact that the defendant took steps to leave the bedroom and go down to the kitchen to obtain the weapon.

[32] The prosecution invite other aggravating features. The first is that the killing was planned. I have already dealt with this point. I do not consider that this was a planned and premeditated murder. I have taken into account that the defendant went downstairs to obtain a weapon and bring it back to the bedroom but this action took scant minutes. The second is that the prosecution say this was an act of domestic violence. It is true that this offence was committed by one partner on another but the true nature of the domestic violence in this relationship was in the coercive control and abusive behaviour exercised by the deceased over the defendant. The overall context of the lived reality of the relationship and the existence of serious domestic abuse is reflected in my assessment of lower culpability and the fact that the murder arises from such a destructive relationship. Having heard and considered the evidence in this case I am satisfied that it is inaccurate to describe the domestic abuse as bidirectional.

[33] Third, the prosecution say that the presence of a child is an aggravating factor. In this case I accept that the presence of a baby is an aggravating factor but it is not one which I consider attracts a great deal of weight in the balancing exercise.

One of the principal concerns when considering the presence of children at offending behaviour is the impact of such behaviour on them. In this case the child concerned was a young baby of nine months old and there is no evidence she would have any appreciation of what had occurred. A second aspect of the presence of a child is that it may make a primary victim more vulnerable if they were concerned for the safety and welfare of a child present. However, in this case there is no suggestion that the deceased was aware of anything until after the fatal attack commenced or that the presence of the baby affected his actions.

[34] Taking into account the context in this case of domestic violence and coercive control, along with the assessment of two independent consultant psychiatrists relating to the defendant's mental state at the time of the murder, I am satisfied that this is clearly an extremely unusual case of lower culpability and that the appropriate starting point, considering the exceptional features of this case, is the lower starting point of 12 years.

[35] I have considered the aggravating and mitigating factors that I have identified. The most serious aggravating factor in my view was the number of wounds inflicted by the defendant on the victim. The most significant mitigating factor was the clear evidence of remorse. The defendant never denied that she had killed the deceased. She argued that it was not murder. I have balanced all the factors and I have determined that the net outcome of this balancing exercise is to leave the tariff at 12 years.

[36] The defendant remains subject to a sentence of life imprisonment. The tariff that I impose before there can be any consideration of her release from custody is one of 12 years.

[37] I understand that it will be difficult for the deceased's family to listen to these sentencing remarks on several levels. They have lost a loved one and no words can in any way compensate for that loss. They have also had to listen to the description of the relationship between the defendant and the deceased. It is sad that the relationship was so dysfunctional but it is important that those features which are relevant to the sentencing exercise are properly set out.

[38] However, regardless of sentencing remarks, the loss sustained by the deceased's family cannot be measured, and in particular cannot be measured in terms of a tariff set on a life sentence of imprisonment. I hope that eventually, with the passage of time, some measure of closure will be felt by the family.