

Judicial Communications Office

20 May 2025

COURT SENTENCES JULIE ANN McILWAINE TO MINIMUM TERM OF 12 YEARS FOR MURDER OF JAMES CROSSLEY

Summary of Judgment

Mr Justice Kinney, sitting today in Belfast Crown Court, imposed a minimum period of 12 years' imprisonment on Julie Ann McIlwaine for the murder of James Crossley on 1 March 2022. This is the minimum period of time which she must serve in prison before the Parole Commissioners assess whether she could be released or continue her sentence.

Background

Most of the evidence at trial came from the defendant by way of a 999 call she made for an ambulance, the subsequent body worn video footage of her interaction with a police officer and then in police interviews. The defendant and the deceased had been in a relationship for two years and had a child together who was nine months old at the time. It was not in dispute, and there was evidence before the jury, that the relationship was characterised by significant domestic violence and abuse visited on the defendant by the deceased. Various examples of the nature of the relationship were put in evidence including one in October 2021 when the defendant made a complaint to the police following an argument 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 children of the deceased). The defendant told the police that the deceased came downstairs, 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 get away and 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.

The couple's relationship 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, there was an argument in which the deceased threatened the defendant's family, called her children names and threatened that he would make sure that the defendant would never see her children again. The defendant said the deceased made her phone the police to withdraw her complaint against him relating to the events in October 2021. This was confirmed by a police officer. In the afternoon of 1 March, the defendant and the deceased returned to the defendant's house where she told him to take his stuff and leave. The deceased told the defendant he was sorry, and she subsequently told police it was "just like the same circle, it always happened again." The couple then drank together. The defendant went to the shop to get more alcohol and 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. She said that the last thing he said to her before going to sleep was that she needed to choose between him and her family. She felt she would lose everything, and that if

Judicial Communications Office

social services found out about the relationship, she would lose her children. The defendant said she had always maintained if she lost everything, she would end up killing herself. She told the police that 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. She said she did not know what to do and that she just panicked. She went downstairs, got a knife, came back upstairs to the bedroom and stabbed the deceased.

The post-mortem revealed that death was due to 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. She then took the baby and went downstairs, locked herself in the downstairs bathroom and phoned 999.

During the trial the jury heard evidence from two psychiatrists. Both spoke of recognised cycles in certain forms of domestic abuse, including initially intense relationships, but soon signs of possessiveness and jealousy, similar to those reported in this case by the defendant, including issues of contact with family and others will appear. 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. 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. The jury was told that in circumstances such as these, it looks like a victim makes the wrong choices but there is a subtle control which is not easily seen. Victims have great difficulty in extricating themselves from such relationships and the bonds with the perpetrator are incredibly strong and addictive. The jury heard that the perception a victim could just walk away is "naïve but understandable."

The psychiatrist engaged by the defence referred to the ultimatum made by the deceased to the defendant on the night of his death and how 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. He said 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. The psychiatrist retained by the prosecution described the defendant's bond with the deceased as pathological, enmeshed and toxic. He 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. Both psychiatrists assessed the defendant to have been experiencing an acute stress reaction at the time of the offending and exhibiting significant features of complex post-traumatic stress disorder (PTSD) although she did not meet the full diagnostic criteria for a diagnosis.

Sentencing guidelines

Article 5(2) of the Life Sentences (Northern Ireland) Order 2001 provides that the minimum term "shall be such part as the court considers appropriate to satisfy the requirements of retribution and

Judicial Communications Office

deterrence having regard to the seriousness of the offence, or the combination of the offence and one or more offences associated with it". The court applied the legal principles on fixing the minimum term established in *R v McCandless & Others*, the *Practice Statement* and *R v Whitla* [2024] 65¹. The Court of Appeal in *McCandless* emphasised that the Practice Statement was intended to be guidance only 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. The sentencing process is not one of rigidity or inflexibility such that a case must be fixed into one rigidly defined category.

Consideration

The court noted the evidence supported the defendant's case that she was the victim of serious domestic abuse, and this was not ever seriously challenged during the trial. It said she had never made any case that she suffered from a mental impairment such as automatism or a full state of dissociation and she did not make a case of self-defence. The court was 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. It was 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 and that such conduct can drive people to actions which they would not otherwise countenance:

"Her relationship with the deceased was described by [a psychiatrist] 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."

The court said that domestic violence is sadly an all too common feature of society and one which is gaining greater recognition and understanding. There was evidence before the court that one in four women can experience domestic violence at some stage. There was also evidence 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 the court said 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. The court said that 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. 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.

What was unusual in this case was that it was the victim of that domestic abuse who inflicted the fatal wounds on her partner. The court noted 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:

¹ See Notes to Editors.

Judicial Communications Office

“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.”

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 heard the 999 call made by the defendant, her comments on body worn video immediately after the murder and her interviews with the police. The court was alive to the fact that the defendant’s evidence could be self-serving. It added, however, that several aspects of the evidence were corroborated by evidence from others including evidence of an incident involving the parties at the Royal Victoria Hospital for Sick Children witnessed by staff; that the defendant resided in a Woman’s Aid hostel for several months; and that 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, and 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 orders made against the deceased relating to the defendant. A police officer also 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.

The court did not accept that there was any significant premeditation in the actions of the defendant or any evidence of any preparation. It said the time elapsing between the defendant’s texts to her friend and the 999 call was measured in minutes. The court was satisfied that, looking at the evidence in the round, the defendant acted impulsively in her irrational decision-making. It said her remorse was also starkly obvious, not least on the body worn footage seen by the jury during the trial. The court also said it was clear that the deceased was vulnerable as he was asleep, having previously consumed alcohol and prescribed medications. He did not appear to have been aware of the actions of the defendant until much too late: “The murder itself was brutal and savage.”

The aggravating features found by the court were 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. The prosecution invited the court to consider other aggravating features:

- That the killing was planned. The court did not consider that this was a planned and premeditated murder having 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.
- That this was an act of domestic violence. The court said it was true that this offence was committed by one partner on another but said 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. It said that it was inaccurate to describe the domestic abuse as bidirectional.
- That the presence of a child was an aggravating factor. The court accepted that the presence of a baby is an aggravating factor but not one which attracted 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 was a young baby of nine months old and there was no evidence she would have any appreciation of what had occurred. A second aspect of the presence of a child was that it may make a

Judicial Communications Office

primary victim more vulnerable if they were concerned of the safety and welfare of a child present. However, in this case there was 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.

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, the court was satisfied that this was clearly an extremely unusual case of lower culpability and that the appropriate starting point, considering the exceptional features of this case, was the lower starting point of 12 years. Having considered the aggravating and mitigating factors the court said the most serious aggravating factor was the number of wounds inflicted by the defendant on the victim. The most significant mitigating factor was the clear evidence of remorse. It noted that the defendant never denied that she had killed the deceased but had argued it was not murder. The court also took into account the defendant's clear record. Balancing these factors, the court determined that the net outcome was to leave the tariff at 12 years. It said the defendant remains subject to a sentence of life imprisonment and the tariff before there can be any consideration of her release from custody is one of 12 years.

In concluding, the court said it understood that the sentencing will be difficult for the deceased's family. It said 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. 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."

NOTES TO EDITORS

1. This summary should be read together with the judgment and should not be read in isolation. Nothing said in this summary adds to or amends the judgment. The full judgment will be available on the Judiciary NI website (<https://judiciaryni.uk>).
2. The minimum term is the term that an offender must serve before becoming eligible to have his or her case referred to the Parole Commissioners for them to consider whether, and if so when, he or she can be released on licence. Unlike determinate sentences, the minimum term does not attract remission. If the offender is released on licence they will, for the remainder of their life, be liable to be recalled to prison if at any time they do not comply with the terms of that licence. The guidance is set out in the case of *R v McCandless & Others* [2004] NI 269.
3. A *Practice Statement* [2002] 3 All ER 417, sets out the approach to be adopted by the court when fixing the minimum term to be served before a person convicted of murder can be considered for release by the Parole Commissioners. It also sets out two starting points. The lower point is 12 years, and the higher starting point is 15/16 years imprisonment. The Practice Statement also identifies that in very serious cases a minimum term of 20 years and upwards may be appropriate with cases of exceptional gravity attracting a minimum term of

Judicial Communications Office

30 years. The minimum term is the period that the court considers appropriate to satisfy the requirements of retribution and deterrence having regard to the seriousness of the offence. This sentencing exercise involves the judge determining the appropriate starting point in accordance with sentencing guidance and then varying 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.

4. The Court of Appeal in *R v Whitla* [2024] NICA 65 refined the *McCandless* categories affirming the lower starting point of 12 years with qualifications. The higher starting point of 15/16 years was described as the normal starting point based on high culpability. Cases involving exceptionally high culpability could have a starting point of 20 years applied.

ENDS

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