

<b>Neutral Citation No: [2025] NICC 20</b>	<b>Ref: OHA12818</b>
<i>Judgment: approved by the court for handing down (subject to editorial corrections)*</i>	<b>ICOS No: 23/063344</b>
	<b>Delivered: 08/07/2025</b>

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

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**THE KING**

**v**

**JASON MURRAY**  
\_\_\_\_\_

**Mr S Magee KC with Mr M Farrell (instructed by the Public Prosecution Service) for the  
Crown  
Mr G Duffy KC with Mr R McConkey KC (instructed by McConnell Kelly Solicitors) for  
the Defendant**  
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**SENTENCING REMARKS**  
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**O'HARA J**

***Introduction***

[1] Just after 02:00 hrs on Monday 18 July 2022, Paul Rowlands' body was found at Bath Terrace, Portrush. It was lying in the car park at the front of some apartments. Passers-by who saw the body alerted the emergency services who arrived soon afterwards but were unable to save Mr Rowlands. He was only 46 years old.

[2] Investigations quickly led to the arrest of the defendant who was then 39 years old and is now 42. He was soon charged with the murder of Mr Rowlands. Murray made limited admissions that there had been an incident between them but claimed that Mr Rowlands was not in a state which caused him any concern when he, the defendant, left Mr Rowlands in the car park.

[3] At an early stage after the defendant was charged with murder, an issue arose about his mental state. The defence obtained medical reports. When the prosecution received reports to the same effect, it was agreed by the prosecution that it would accept a plea of guilty to manslaughter by reason of diminished responsibility. The

defendant pleaded guilty to this charge on 7 May 2025. It now falls to me to sentence the defendant for his crime.

### ***Background to killing***

[4] In July 2022, Mr Rowlands and the defendant were living miserable lives in Portrush, lives dominated by alcohol and drugs. Mr Rowlands, who was English, had travelled to Northern Ireland in June 2022, following separation from his wife. He and the defendant, who he knew from England, were living rough in tents in Portrush. It is clear that around midnight on that Sunday night/Monday morning something happened which ended with the defendant striking Mr Rowlands with two blows, probably punches. At that point, the defendant just walked away and left Mr Rowlands slumped on the ground.

[5] The defendant later claimed to police that when he left Mr Rowlands he had no concerns about his welfare. That was undoubtedly a lie because what the defendant did next was go to a bar, play pool and drink more alcohol. During the next two hours he was heard to mutter "I kill people now" and "I'm a hitman." He also showed signs of having an injured hand, an injury probably caused in the assault. There was no sign of any injury which had been caused to him by Mr Rowlands.

[6] The autopsy carried out by Dr Lyness, State Pathologist, showed the death was the result of a traumatic basal subarachnoid haemorrhage with blunt force head injury. There were also signs of bruising consistent with more than one blow or perhaps with a fall. So far as Dr Lyness was concerned, there was no evidence of a prolonged attack in which weapons were used, a view shared by Dr Lumb, a pathologist engaged by the defence.

[7] The reports also showed that when he was attacked and killed, Mr Rowlands was heavily intoxicated, having more than three times the amount of alcohol permitted for driving in his blood. This made him even more vulnerable in the event that he was assaulted.

### ***Victim statements***

[8] I have received and considered statements written on behalf of the family of Mr Rowlands by Tony Burns, his father, who writes for himself and his wife and Paul's brother and sisters and Leanne Rowlands, his eldest daughter, who writes for herself and for her mother and siblings.

[9] Their statements show that even though Paul Rowlands' life was going through a very difficult phase in July 2022, he was still much loved by all of them. They write about their disbelief at hearing the news of his killing and the effect which his death has had on all of them. Their loss is permanent and remains painful as it always will. Each family member struggles in his or her own right to cope with

the loss with regular thoughts of going to contact Mr Rowlands, to tell him about small things happening in their lives, being brought to a sudden halt when they remember that he is gone.

[10] For all of them life has changed. For all of them life is harder. For all of them life will never be the same.

### *Medical evidence*

[11] A defendant is entitled by law to be found guilty of manslaughter by reason of diminished responsibility rather than murder if a number of conditions laid down by Parliament are satisfied. Those conditions are that the defendant was suffering from an abnormality of mental functioning which:

- Arose from a recognised medical condition.
- Substantially impaired his ability to understand the nature of his conduct or form a rational judgment or exercise self-control.
- Explains the defendant's actions in killing Mr Rowlands.

[12] In this case, the recognised medical condition is the defendant's dependence on alcohol and drugs. That involves much more than being drunk or under the influence of drink or drugs at the time of the offence. Murray was, and is, an addict and, therefore, suffers from an abnormality of mental functioning.

[13] This abnormality meant that his ability to exercise self-control was substantially impaired and also explains his actions in killing Mr Rowlands.

[14] This brief summary reflects the consensus of the psychiatric reports from Dr Isaac and Dr Curran. It is the basis on which the plea of guilty to manslaughter by diminished responsibility was properly accepted by the prosecution.

### *Pre-sentence report*

[15] Mr Plant of the Probation Board for Northern Ireland has provided an extremely helpful analysis of this case in his pre-sentence report. He has detailed the violent and abusive childhood which the defendant endured, his limited education and the impact which alcohol and drug misuse have had on his life for more than 20 years.

[16] However, Mr Plant also highlights the supports which have been available to the defendant at different times to help him break that cycle. For instance, he had support in 2019 from Norfolk Drug Services for his dependence on drugs and alcohol. Even before that, in February 2017, at Norfolk Magistrates' Court, the defendant was given a suspended sentence for offences relating to drugs and

offensive weapons but with a requirement that he commit himself to drug rehabilitation and alcohol treatment programmes.

[17] Despite that opportunity to turn his life around, the defendant continued to reoffend with later convictions for battery and harassment. In November 2017, the suspended sentence from February 2017 was activated because of that reoffending.

[18] Then in January 2022, after he pleaded guilty at Norwich Crown Court to yet another battery, he was given a community order for 24 months with a rehabilitation element to the sentence. Instead of adhering to that obligation, he breached it immediately so that in May 2022, a warrant was issued in Norfolk for his arrest. By then it seems he had left Norfolk without any intention whatever of complying with the court order.

[19] It is in this context that Mr Plant's analysis of the defendant is especially important. This is an analysis which I note is not challenged by the defendant. Mr Plant says that:

"Mr Murray describes his relationship with Mr Rowlands as being extremely close, although they had only known each other for six months. Given this, any obvious empathy or remorse for his actions was challenging to observe. Mr Murray only stated his regrets after PBNI probing for a response during his second interview.

Whilst there is no indication of premeditated behaviour, the defendant's observed behaviours and attitude is worthy of note especially given his willingness to victim blame by claiming self-defence and holding Mr Rowlands responsible for his own excessive state of intoxication.

There is a sustained pattern of both violent and abusive behaviour within a number of domestic relationships spanning 17 years between 2005 and 2022. PBNI, therefore, assess a significant intervention and offence focused work designed to address his offending within intimate relationships is necessary and a priority."

[20] Against that background, it is not surprising that the defendant was assessed as posing a high likelihood of general reoffending within the two year period by PBNI. Then at a multi-agency risk management meeting on 12 June 2025, the conclusion was reached that the defendant currently presents as a significant risk of serious harm. The report continues that:

“Violent attitudes appear somewhat embedded and will require a robust and holistic approach to cease this cycle of violence in which he finds himself.”

[21] When this assessment was discussed with Mr Murray, he stated that, “I wouldn’t disagree.”

### *Submissions*

[22] It is agreed by the prosecution and defence that since manslaughter is both a specified and serious offence for the purposes of Article 13 of the Criminal Justice (NI) Order 2008, I must decide whether to impose an extended custodial sentence, an indeterminate custodial sentence or a life sentence provided that I am satisfied that there is a significant risk to the public of serious harm being occasioned by the commission of further specified offences by the defendant.

[23] In some cases, that question of significant risk is challenged by the defence, but not here. In my judgment, the defence has quite properly conceded the point, but for the record, I am satisfied that this defendant poses a significant risk of serious harm to the public. I reach that conclusion in light of his criminal record, his repeated failures to engage in support work, his escalating offending, the fact that he is still offending in his late 30s and the analysis offered by Mr Plant. There is little or no evidence of any prospect of change in the near future.

[24] For the prosecution, it was submitted that the relevant aggravating features in this case are:

- Alcohol was involved in the offending.
- The assault took place in a public place witnessed by members of the public.
- The defendant left the scene leaving Mr Rowlands dying or dead, showing an indifference to his fate.
- The defendant has a relevant criminal record.
- Multiple blows were struck by the defendant.

[25] Having considered the defendant’s response to that list, I conclude that the aggravating factors are:

- (i) The defendant’s criminal record including his failure to accept support or services.
- (ii) The fact that more than one blow was struck.

- (iii) The fact that the defendant left the scene knowing that he was leaving Mr Rowlands badly injured and without seeking any help for him.
- (iv) The fact that the crime was committed in the public car park where the attack on Mr Rowlands was heard by witnesses.

[26] Given the fact that the defendant was unable to exercise self-control by reason of his alcohol and drug addictions, I do not find the fact that both he and Mr Rowlands were drunk to be an aggravating factor.

[27] In terms of mitigation, the only factor of any consequence was the guilty plea.

### *Conclusion*

[28] The horrible circumstances in which Paul Rowlands died on 18 July 2022, are a reminder, yet again, of what happens when people lose control of their lives to drink and drugs and reject all offers of help and support. In those circumstances, assaults which are not particularly vicious can lead to one man's life being lost and the lives of his family and friends being changed forever.

[29] Nothing which I say today, and no sentence which I impose on the defendant, can change what happened on 18 July 2022.

[30] As already indicated, I have three options – a life sentence, an indeterminate custodial sentence or an extended custodial sentence. I do not believe that the circumstances of this case are so gross that a life sentence is required. I must only impose an indeterminate custodial sentence if I do not think that an extended custodial sentence is enough in the circumstances. For the defence, Mr Duffy submits that an extended custodial sentence is enough in this case because the defendant would only be released if the Parole Commissioners were satisfied that he should be released and the defendant would then be subject to licence for the remainder of the period of the custodial sentence and the extended licence period.

[31] Since receiving that submission on Friday last, I have re-read the pre-sentence report and the psychiatric report. Having done so, I do not think that an extended custodial sentence is sufficient and I have decided to impose an indeterminate custodial sentence. In reaching that conclusion, I have carefully considered the various authorities and precedents which were opened to me.

[32] My reason for imposing an indeterminate custodial sentence is that this defendant is now 42 years old. He is not a young man. To use Mr Plant's term, his violent attitudes are "somewhat embedded." He has lived a hard life after a terrible childhood, but at no time until perhaps very recently in prison has he shown any sign at all of being willing to change. I agree with Mr Plant that without significant support and sustained intervention, the defendant's lifestyle will continue to be a central risk factor and an indicator of future harm and the risk to the public will only

increase. My concern is that even with an extended period of licence, an extended custodial sentence inevitably expires. I have considered whether adding a Violent Offences Prevention Order, which might start on his release from prison, is sufficient. I am not satisfied that it would be.

[33] Given the long-term risk which the defendant poses, I am satisfied that nothing less than an indeterminate custodial sentence will be appropriate in this case. That permits his detention in prison if the Parole Commissioners think that his release might still be problematic at the end of the tariff which I am to set. And it means that for at least some years after his eventual release, he will still be subject to ongoing supervision and control.

[34] What then is the appropriate tariff? The tariff is the period which the defendant must serve before his release will even be considered by the Parole Commissioners. In this context, I am to have regard to the harm which the defendant has caused, his culpability and the future risk which he poses.

[35] The harm caused by the defendant is clear. He took a man's life.

[36] His culpability is suggested by the defence to be low because of the limited nature of the attack in terms of the number of blows struck and the fact that no weapons were used. On that narrow approach, the culpability is low but how the defendant came to be in that situation casts a different light on the issue. Had he accepted the help which he had been offered by way of court ordered treatment, this event would simply not have occurred. This is one of the important aggravating features already detailed above.

[37] The future risk to the public has already been analysed above and is significant.

[38] In accordance with the general guidance found at paras [38]-[40] of *R v Donnelly* [2025] NICA 7, I determine that the defendant's culpability in this case is medium. That leaves open to me a tariff in the range of 8-10 years, allowing for some discretion.

[39] In this case, I set the tariff at eight years. That is the minimum period which the defendant will serve in prison before the Parole Commissioners determine whether he should be released. The period during which he has been in custody since July 2022, will count towards that eight years which will expire at some point in 2030. It will then be for the Parole Commissioners to decide whether the progress which he has made in prison, if he has made any progress at all, is enough for him to be released. If it is not, the defendant will remain in prison and will be considered for release at a later date. Even in his eventual release he will still be subject to conditions of supervision. That being so, the imposition of a Violent Offences Prevention Order seems to me to be unnecessary.

[40] I should add that in fixing the tariff at eight years I have taken into account both the guilty plea and all of the aggravating features already set out. As this sentence illustrates, diminished responsibility does not mean no responsibility. The defendant's responsibility for what he did to Mr Rowlands, taking his life, is reduced by reason of his addictions but is still significant.

[41] This indeterminate custodial sentence recognises that fact, it protects the public, it punishes the defendant and it still allows him yet another opportunity to change his ways. If he does not take that opportunity, his time in prison is likely to far exceed eight years.