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<i>Judgment: approved by the court for handing down (subject to editorial corrections)*</i>	ICOS No:	24/003130
	Delivered:	07/11/2025

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

THE KING

v

DEON FULLEN

SENTENCING REMARKS

**Mr M Chambers KC with Ms L Cheshire (instructed by the PPS) for the Crown
Mr I Turkington KC with Mr D Halleron (instructed by Roche & McBride Solicitors) for
the Defendant**

McBRIDE J

Introduction

[1] The defendant pleaded guilty to a single count of causing grievous bodily harm with intent, contrary to section 18 of the Offences against the Person Act 1861. Two other counts were left on the books in the usual terms.

Background

[2] The background facts are based on an agreed basis of plea. On 16 October 2022, Owen Brown and his father Paul Brown, went into Omagh for a few drinks to celebrate Paul Brown's birthday. During the evening Owen Brown became involved in a physical altercation with the defendant in the Glebe Bar.

[3] After the altercation, the defendant returned to his home address. Owen Brown and his father Paul, decided to walk two miles or so to the defendant's address to confront him. Owen Brown, in his first account to the police at the scene, accepted that he and his father went there "looking for a fight."

[4] After the Browns had an initial conversation with the defendant's father, the defendant emerged from a nearby location armed with a machete and attacked the Browns by swinging the machete at them.

[5] The prosecution accept that it may initially have been the defendant's intention to use the weapon to defend himself in the event that the Browns arrived at his address and he was attacked.

[6] The machete struck Owen Brown causing a laceration to his head and serious injuries to his left wrist and right hand. Police observed a large laceration of his left wrist which had nearly severed off his left hand. A witness described that one of Owen Brown's fingers on his right hand was "nearly severed off, only hanging by the skin."

[7] Owen Brown ran to a friend's house nearby to ask for help and for them to call an ambulance. Paul Brown followed and arrived at this property shortly after Owen. The householder called the police and ambulance. As Paul Brown was comforting his son on the doorstep he collapsed and suffered a heart attack. Despite best efforts of first responders and medical professionals, he was pronounced dead at 0129 hours on 17 October 2022.

[8] The prosecution accept that it is not possible to prove that Paul Brown's reaction to the attack on his son was a "substantial cause" of the cardiac arrest which caused his death. It is agreed between the parties that Paul Brown's reaction to the attack on his son played a role in the development of the cardiac arrest.

[9] Owen Brown was taken to Altnagelvin hospital on 17 October and transferred to the Ulster Hospital to undergo surgery on 18 October. The notes record that there was a sub-total amputation of the left wrist requiring repair of multiple tendons and all major nerves and both arteries. He also underwent repair of nerves to his right middle and ring fingers with K-wiring of a fracture to the index finger and tendon repair to the index finger.

[10] The defendant was arrested and conveyed to Omagh Police Station for interview. He stated that he had been assaulted by Owen Brown in the Glebe Bar. He described himself as drunk at the time. After discussing the altercation in the Glebe Bar, he declined to answer further questions.

Victim personal statements

[11] Prior to sentencing, I have read and considered the victim personal statements from Glenda Brown and Michelle McAuley. Glenda Brown, is Owen Brown's mother and the ex-wife of Paul Brown. She describes how Paul's death has left a huge hole for all the family and how she had to take time off to care for Owen due to his injuries. She describes how Owen suffered from poor mental health and poor sleep following the incident and became socially withdrawn. She notes that there is improvement

since he has been advised of the defendant's guilty plea. She comments that Owen's ability to do many things has improved but there are somethings that he still cannot do which require grip.

[12] Michelle McAuley, who is Paul Brown's partner, describes how she is now lost without him and life is lonely and sad and his death has had life changing consequences for her.

[13] Owen Brown, despite repeated encouragement by the Crown to participate in providing a victim personal statement and updated medical has failed to do so instructing that he finds the process too stressful to engage in.

Dangerousness

[14] The offence of causing grievous bodily harm with intent, contrary to section 18 of the Offences against the Person Act 1861, comes within the provisions of the Criminal Justice (Northern Ireland) Order 2008 and the court is obliged to consider whether the defendant is dangerous. Based on the assessment by PBNI and the fact the defendant has acknowledged culpability and recognised the harm caused; expressed remorse and regret; has shown victim insight; has no criminal record and has not come to police attention in the three years since the offence; has abided by his bail conditions; has engaged with community mental health services and complied with prescribed medication; has a stable employment record and supportive family; I am satisfied that he does not meet the criteria of dangerousness.

The defendant's circumstances

[15] The defendant is a single man now aged 23 years old. At the time of offending he was aged 20. He lives with his father and younger brother. Dr McMullan, the father's GP, confirms that the defendant acts as a carer for his father assisting him with his personal care, meals, laundry and reminds him to take medication.

[16] When the defendant was aged 13, his older brother died at age 16 years. This led to a deterioration in his mother's mental health. Social services became involved, and the defendant moved to live with his father.

[17] At school the defendant was in the lower academic tier. Dr Devine, Consultant Psychologist, carried out an IQ assessment and psychological assessment on the defendant. He opines that the defendant falls within the borderline range of intellectual function. At school the defendant had the assistance of a classroom assistant which contributed to his feelings of low self-esteem and social anxiety. Dr Devine opines that his coping strategies of social drinking and later cannabis use appear to have been attempts to manage this anxiety. At the time of offending substances had become a normalised aspect of his weekend lifestyle. Since the offence, the defendant has struggled with his mental health and he presently records

symptoms of anxiety, depression and suicidal ideation. He has attended community mental health and is presently compliant with his medication.

[18] From the outset the defendant acknowledged his culpability and recognised the gravity of his offending and the impact on all parties. He expressed remorse and was able to demonstrate victim insight stating, “If only I could turn back the clock” and “I’ve made decisions that will live with me for the rest of my life.”

[19] Although the defendant left school at 16 without qualifications, he has been in full-time employment since that time and currently works as a scaffolder. His current employer has provided a very positive reference stating that the defendant’s “attitude, honesty, punctuality and overall work ethic have been nothing short of remarkable.”

[20] The PBNI assess the defendant as representing a medium risk of reoffending but consider that he does not meet PBNI threshold criteria for significant risk of serious harm to others.

Sentencing Guidelines

[21] Both counsel agreed that the relevant guideline case was *DPP Reference (No.2 and 3 of 2010) McAuley and Seaward* [2010] NICA 36. This is a guideline case for section 18 offending. In each of the cases referred to in that Reference, the offender used his feet to attack victims as they lay on the ground. The guidance is stated to be in relation to infliction of “wanton violence by young males, often after the consumption of large amounts of alcohol.” The court noted that the use of gratuitous violence had become more prevalent and, therefore, deterrence was required. The court set out the appropriate sentencing range at para [7] as follows:

“[7] We consider that the sentencing range identified in *McArdle* of seven to fifteen years imprisonment after conviction on a contest is generally appropriate where the offence under section 18 is committed by attacking a victim who is lying on the ground with a shod foot with intent to cause him grievous bodily harm. In virtually every case the fact that an attack of this kind is launched will of itself be an indicator of high culpability in the commission of the offence under section 18. The place within this bracket will generally be determined by the extent of the harm caused and any other aggravating and mitigating factors. Exceptionally there may be cases of slightly lower culpability, such as where only one blow was struck, and where the harm caused is at the lower end of the scale which would justify a marginally reduced starting point. With that in mind we turn to the individual cases.”

[22] *McAuley and Seaward* has been applied to cases involving serious violence even though they did not involve attacking a victim lying on the ground with a shod foot.

Aggravating factors

[23] I consider the following aggravating factors apply in this case. Firstly, as agreed by all counsel, the offence was aggravated by the death of Paul Brown upon witnessing the attack on his son. Secondly, it was aggravated by the use of a weapon, namely a machete. Thirdly, several blows were inflicted. A report by Professor Crane dated 8 September 2025 notes the injuries were caused by three or four blows. The two scalp lacerations were caused by two blows which did not cause any serious effects. The injury to the left upper limb was caused by one blow of moderate force and the injuries to the right hand finger were consistent with a blow whilst the victim had his own arm raised in a defensive gesture.

[24] Whilst the Crown submitted that there was an element of premeditation. Overall, I consider that this incident occurred in a very short period of time and I consider that any premeditation in this case is covered by the use of the weapon. Crown counsel accepted this.

[25] Although the defendant was inebriated and the events took place in a public street, the Crown accepted that they did not put particular store on these. I consider this was a proper concession by the Crown given that the defendant had returned home after he had been drinking at the pub. Secondly, the offending was not of a public order type nature as the Browns brought trouble to the door of the defendant. I, therefore, consider the fact the altercation took place in a public street was a neutral factor in the circumstances of this case.

Mitigating factors

[26] There are several strong mitigating factors relating to both the offending and the offender. It was agreed by all counsel that Owen and Paul Brown sought out a confrontation with the defendant at his home and this differentiates this case from the factual scenarios set out in *Seaward and McAuley*. Secondly, the defendant has a completely clear criminal record and has not come to the attention of police since the offending some three years ago.

[27] Mr Chambers submitted that personal mitigation is of limited relevance in this area of offending because it requires deterrent sentences.

[28] In *McAuley and Seaward*, the court imposed a deterrent sentence because it wished to deter the prevalence of young men fuelled with alcohol engaging in wanton violence in public areas. I consider the facts of this case are very different to that stated aim. The Browns came to the defendant's home seeking a fight. I therefore do not consider that the unusual circumstances of this case call for a deterrent sentence in the

same way the facts of *McAuley and Seaward* did. Accordingly, I consider personal mitigation is of relevance and weight.

[29] As already outlined, the defendant was a young man, aged 20 at the time of offending. Despite his limited educational attainment, he has a very good employment history and work ethic. He presently lives with his father and provides care for him. Of importance, is the fact that the defendant has a completely clear criminal record and he has not come to police attention since the date of offending.

[30] The defendant has expressed genuine remorse for his offending as noted in the PBNI report.

[31] I have also read the positive character references provided on his behalf.

Consideration

[32] In determining sentence, it is necessary to consider the degree of culpability and harm along with the other mitigating and aggravating factors.

[33] In relation to harm, all the parties were agreed that it was a case of medium harm. Mr Brown sustained a serious hand injury. It required extensive surgery to be carried out. Although there is no up-to-date medical report, despite Mr Brown being encouraged to provide same, I am satisfied that there will be some ongoing sequelae as is confirmed by his mother in her statement.

[34] The prosecution submitted that this was a case of high culpability. In contrast, Mr Turkington submitted that it was a case of medium culpability.

[35] I consider that this is a case of medium, rather than high, culpability for several reasons. Firstly, the Crown have accepted that the defendant may have initially armed himself with the weapon with the intention of defending himself. Secondly, the Crown have accepted that the Browns went to the defendant's home looking for a fight and, thirdly, I have had regard to the evidence from Dr Devine regarding the defendant's significant intellectual difficulties. Dr Devine notes that the defendant had developmental vulnerabilities and cognitive limitations and was therefore "more likely to perceive ambiguous or stressful situations as threatening. In such circumstances, their capacity for measured reasoning is compromised and they tend instead to revert to instinctive survival responses such as fight, flight, or freeze."

[36] Additionally, the offending did not include the aggravating factors set out in *Seaward and McAuley* which included offenders with extensive criminal records for violence who were under the influence and committed offences in a public street. This defendant has a clear criminal record and although he was inebriated he had returned home and although the altercation took place in a public street this occurred because the Browns came to the defendant's address. For the reason already outlined these aggravating features do not apply in this case.

[37] Although the Crown indicated a starting point of between seven and nine years, I consider, having regard to the level of culpability and harm together with the aggravating and mitigating circumstances, the appropriate starting point is one of six years.

[38] Although the defendant did not make admissions at interview, this must be considered in the context that he was under caution for much more serious offences and he relied on his solicitor's advice in circumstances where he has limited intellectual ability. He pleaded to the section 18 offence as soon as the prosecution were willing to accept it. I, therefore, intend to give the maximum reduction of one third.

[39] I, therefore, impose a determinate custodial sentence of four years comprising two years in custody and two years on licence.