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*Judgment: approved by the court for handing down (subject to editorial corrections)**	*Delivered:*	**13/03/2026**

IN THE CROWN COURT IN NORTHERN IRELAND
SITTING AT LAGANSIDE COURTHOUSE

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THE KING

v

NOEL LOGAN

_____

David Russell KC (instructed by the Public Prosecution Service) for the Crown
Mr Martin O'Rourke KC and Mr Andrew Moriarty (instructed by Madden & Finucane Solicitors) for the Defendant

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SENTENCING REMARKS

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FOWLER J

Introduction

[1] The defendant, Noel Logan, was convicted after a trial before me as a judge sitting alone, in respect of three counts on the bill of indictment which involved the deployment of four improvised explosive devices ("IEDs"), specifically, pipe bombs. These devices were planted at addresses in Londonderry at 5 Montgomery Close in November 2017 (two pipe bombs), 19 Montgomery Close in March 2019 and 5 Bonds Place in September 2019.

[2] The defendant was arrested on 9 December 2020 at his home, under section 41 of the Terrorism Act 2000. He was connected to each of the three incidents on the basis of a combination of circumstantial and forensic DNA evidence. At the time of these offences the defendant was residing at 67 Nelson Drive, Londonderry which is only a short distance, of approximately one to one and a half miles, from Montgomery Close and Bonds Place. After his arrest, the defendant was interviewed by police on 9 and 10 December 2020 and exercised his right to remain silent throughout all interviews.

Charges

[3] The three counts on which the defendant falls to be sentenced are as follows:

Count 1 Possessing explosives with intent to endanger life or cause serious injury to property between 31 July 2017 and 14 November 2017 (5 Montgomery Close);

Count 3 Possessing explosives with intent to endanger life or cause serious injury to property between 31 December 2018 and 1 April 2019 (19 Montgomery Close);

Count 5. Possessing explosives with intent to endanger life or cause serious injury to property between 30 June 2019 and 4 September 2019 (5 Bonds Place).

Counts 2, 4 and 6 were on the indictment as alternative counts to those on which the defendant was convicted. The detailed facts of the case are set out in my judgment of 16 May 2025 but are summarised below.

Incident one – 5 Montgomery Close

[4] On 13 November 2017, two IEDs were discovered in the rear garden of a residential property at 5 Montgomery Close. The previous night the occupant had heard a loud bang to the back of the property. The devices recovered consisted of lengths of copper piping with flattened ends and reinforced adhesive tape affixed to both extremities and the centre. One device had nails taped to its exterior. Both pipes contained charred apertures consistent with the insertion of igniferous fuses. Forensic examination confirmed that the items were the remains of pipe-bomb–type devices designed primarily as antipersonnel weapons, incorporating low order explosives of a small-arms propellant type, lead ball bearings and, in one case, nails intended to function as additional shrapnel.

[5] Swabs taken from IED 2 yielded no detectable DNA. Swabs from IED 1 produced a low-level mixed DNA profile which, although incomplete, could not exclude the defendant, Noel Logan, as a contributor. Statistical analysis using STRmix demonstrated that the DNA findings were at least 1.7 million times more likely if the mixture originated from the defendant and one unrelated individual than if it originated from two unrelated individuals.

Incident two – 19 Montgomery Close

[6] In the early hours of 31 March 2019, an explosive device was detonated outside 19 Montgomery Close. An occupant at the front door of the property observed a male fleeing the scene immediately prior to the explosion. This explosion rocked him back causing him to lose his balance; the remains of a copper pipe,

ruptured by the explosion, were recovered at the scene. Forensic examination confirmed that the device recovered constituted a partially functioned pipe-bomb-type IED containing small arms propellant.

[7] Swabs taken from "End Cap A" of the device produced a mixed DNA profile from two contributors. Expert analysis determined that Mr Logan could not be excluded as a contributor, and that the findings were at least one billion times more likely if the DNA originated from Mr Logan and an unknown person rather than from two unrelated unknown individuals.

Incident three – 5 Bonds Place

[8] A third incident occurred on 3 September 2019 at 5 Bonds Place, where another pipe bomb exploded at the front door of the premises. Police recovered disrupted copper piping, nails affixed to the exterior of the pipe bomb as shrapnel, and small arms propellant. Forensic analysis again confirmed these were the partially functioned components of a pipe bomb.

[9] DNA swabs taken from tape at the middle of the pipe bomb and at the metal ends of it and several other parts of this device (IG11, IG12 and IG14) each yielded mixed profiles. In three samples, Mr Logan could not be excluded as a significant contributor. In respect of IG11, the profile contained three contributors, and the results were at least one billion times more likely if the DNA originated from Mr Logan and two unknown persons rather than from two persons unrelated to him. Equivalent statistical weight applied to the samples IG12 and IG14, in which Mr Logan's DNA characteristics were consistently present.

Interview

[10] When interviewed on 9 and 10 December, the defendant elected to provide no comment responses. He offered no explanation as to how his DNA was found on multiple areas of the explosive devices. The defendant at trial made the case that he used adhesive tape similar to that found on the pipe bombs to attach loyalist flags to lamp posts in his local area. That this was a potential explanation for the recovery of his DNA on the pipe bombs. That his DNA must in some ways have been deposited innocently by secondary or tertiary transfer. In a pre-sentence report dated 31 July 2025 the defendant continues to maintain his innocence.

Pre-sentence report

[11] The pre-sentence report records that the defendant is a 37-year-old man from a stable background who prior to the index offending lived with his mother. He recently purchased a new property which he had intended moving into. He is unmarried, has no children, and is in a stable relationship with his partner for over a year. He presents with a consistent employment history, including extended periods of work in retail and in the health service. This is assessed as a protective factor,

although the pre-sentence report recognises this did not deter his involvement in the present offending. It is also considered his loss of employment may, in the short term, diminish structure and stability, though he indicated a clear intention to return to work on release from custody.

[12] The pre-sentence report underlines that the defendant maintains his denial of responsibility for the index offences. He also expresses difficulty in comprehending the prospect of a significant custodial sentence, in circumstances where no physical injury resulted. This is concerning given it may be regarded as minimising the impact of such attacks on residential homes and their occupants.

[13] In terms of lifestyle and associates, the defendant portrayed himself as pro-social, engaged in regular exercise, charity events, and friendships across a range of backgrounds, and denied involvement with criminal circles. He has a very limited record with one conviction for an unnotified procession.

[14] However, the report considers his denials and absence of any credible explanation for his offending raises concerns regarding his level of insight and his capacity to engage meaningfully in offence-focused work. While he expresses pro-social attitudes and values, his continued denial, in the face of the evidence, limits exploration of his thinking and of the factors underlying his offending behaviour.

[15] The presentence report confirmed he has no identified history of mental ill-health, self-harm, or emotional instability. His physical health is good and does not impact risk.

[16] The report lists as factors reducing future risk as his; (i) structured life style, (ii) pro-social identity, (iii) absence of substance misuse, (iv) family and partner support and (v) physical health management.

[17] In terms of risk factors increasing future risk the report identifies: involvement with IEDs which were viable and deployed, accommodation in close proximity to the offending, unemployment, impulsivity – having been involved in an unnotified demonstration in proximity to where the IEDs were deployed and denial and lack of insight.

[18] The pre-sentence report concludes that his risk of re-offending is low. However, assesses the defendant as presenting a high risk of serious harm based primarily on "… his continued denial of the index offence, limited protective factors, and his stated intention to return to a high-risk area associated with his offending."

Prosecution submissions on sentence

[19] The prosecution on sentence makes the case that the defendant was convicted after trial of serious offences of possession of explosives with intent. They identify the aggravating factors as the pipe bombs were deployed in a residential area and that the number of offences aggravate each other. They argue that the offending involves high culpability given the nature of the devices involved and that the impact of such devices being deployed in a residential area supports a finding of significant community impact. In terms of mitigation, they accept that while personal mitigation is likely to carry less weight in offending of this nature the accused's employment , family history and limited record may provide some limited mitigation.

[20] The prosecution reminds the court that the issue of whether there is a significant risk to members of the public of serious harm occasioned by the commission by the offender of further such offences should be addressed by the court given the offences of which the accused is convicted.

[21] Further that the court will have to determine whether the circumstances of the present case give rise to a sentence under Article 15A of the Criminal Justice (NI) Order 2008. It is argued that only count 3 may be caught by the provisions of section 30 to, and Schedule 2 to the Counter Terrorism Act 2008 ("CTA 2008") due to the date of the offending range between 30 June 2019 and 4 September 2019 and, thus, being after 12 April 2019 but before the coming into force of section 1 of the Counter Terrorism and Security Act 2021 ("CSTA 2021").

[22] The prosecution further suggest that guidance in terms of the appropriate range of sentence can be found in the cases of *R v Sean Ruddy* [2016] NICA 17 and *R v Wong* [2012] NICA 54, which I will consider later in these sentencing remarks.

Defence submissions on sentence

[23] The defence makes the case that none of the counts relevant to sentence in the present case are caught by the provisions of section 30 of, and Shedule 2 to the CTA 2008. They argue that in light of the DNA evidence given at trial it is not possible to date the deposition of the DNA on the devices. That given the time span over which the devices were deployed the DNA on the device in count 3 could have been deposited at a time prior to 12 April 2019. The court did find that it could not be sure that the defendant deployed any of the devices but that it was sure he had touched/handled the devices on which his DNA was found. In these circumstances the defence contend that the court therefore cannot be sure the applicable sentencing regime for this offending is the current statutory scheme.

[24] Further, they argue that the assessment in the presence-report, finding the defendant to satisfy the dangerousness provisions under the Criminal Justice

(Northern Ireland) Order 2008 ("the 2008 Order") is erroneous in light of Dr Philip Pollock's report.

[25] In relation to the applicable sentencing authorities, it is generally agreed between the parties that *R v Ruddy* and *R v Wong* give guidance as to the appropriate sentencing range in pipe bomb cases. However, the defence argue that on the facts of the present case it can easily be distinguished from both *Ruddy* and *Wong*. Both those cases involved defendants who were caught in physical possession of viable pipe bombs. Accordingly, the defence argue that in terms of culpability the defendant on the facts of the instant his culpability should be assessed as low.

Consideration

Culpability and harm

[26] In determining culpability, I consider that the defendant handled the pipe bombs at a time they were being constructed or already constructed with the end caps in place and in some case with nails attached with external tape as additional shrapnel. He could have been under no illusion they were highly dangerous and that his possession of them intended to enable them to be deployed in the manner they were. I accept that it is an aggravating factor they were in fact deployed against occupied residential premises. The fact that three homes were attacked over a protracted period involving three separate offences aggravates each other. In these circumstances I consider the defendants culpability to be high.

[27] In terms of harm, persons occupying the homes which were attacked were put in considerable danger and fear. The fact three separate homes were attacked, in my view raised community fears and concerns at that time. I conclude that the harm caused was medium.

Sentencing framework

[28] The offences the defendant has been convicted of are both 'serious' and 'specified' violent offences for the purposes of the 2008 Order. In these circumstances an assessment of dangerousness is necessary. Whether an offender presents as a significant risk of serious harm requires a careful analysis of all the relevant facts in the case. This is as relevant in a case involving conviction for terrorist offences as in any other case. I bear in mind the observation of Morgan LCJ in *R v Wong* [2012] NICA 54 that:

> "… in cases involving firearms and explosives, even with a terrorist background, the court should be careful not to make the assumption that the offender is dangerous. The risks posed by those involved in such offences can vary enormously and each case will be heavily fact sensitive."

[29] The relevant statutory provisions dealing with dangerousness are set out in Articles 13 to 15 of the 2008 Order as follows:

> "13.—(1) This Article applies where—
>
> (a) a person is convicted on indictment of a serious offence committed after [15th May 2008]; and
>
> (b) the court is of the opinion that there is a significant risk to members of the public of serious harm occasioned by the commission by the offender of further specified offences.
>
> (2) If—
>
> (a) the offence is one in respect of which the offender would apart from this Article be liable to a life sentence, and
>
> (b) the court is of the opinion that the seriousness of the offence, or of the offence and one or more offences associated with it, is such as to justify the imposition of such a sentence,
>
> the court shall impose a life sentence.
>
> (3) If, in a case not falling within paragraph (2), the court considers that an extended custodial sentence would not be adequate for the purpose of protecting the public from serious harm occasioned by the commission by the offender of further specified offences, the court shall—
>
> (a) impose an indeterminate custodial sentence; and
>
> (b) specify a period of at least 2 years as the minimum period for the purposes of Article 18, being such period as the court considers appropriate to satisfy the requirements of retribution and deterrence having regard to the seriousness of the offence, or of the combination of the offence and one or more offences associated with it.
>
> (4) An indeterminate custodial sentence is—

(a) where the offender is aged 21 or over, a sentence of imprisonment for an indeterminate period,

(b) where the offender is under the age of 21, a sentence of detention for an indeterminate period at such place and under such conditions as the Department of Justice may direct,

subject (in either case) to the provisions of this Part as to the release of prisoners and duration of licences …

14.—(1) This Article applies where—

(a) a person is convicted on indictment of a specified offence committed after 15 May 2008; and

(b) the court is of the opinion—

(i) that there is a significant risk to members of the public of serious harm occasioned by the commission by the offender of further specified offences; and

(ii) where the specified offence is a serious offence, that the case is not one in which the court is required by Article 13 to impose a life sentence or an indeterminate custodial sentence.

(2) The court shall impose on the offender an extended custodial sentence.

(3) Where the offender is aged 21 or over, an extended custodial sentence is a sentence of imprisonment the term of which is equal to the aggregate of

(a) the appropriate custodial term; and

(b) a further period ("the extension period") for which the offender is to be subject to a licence and which is of such length as the court considers necessary for the purpose of protecting members of the public from serious harm occasioned by the commission by the offender of further specified offences …

(8) The extension period under paragraph (3)(b) or 5(b) shall not exceed –

(a) five years in the case of a specified violent offence …

15.—(1) This Article applies where—

(a) a person has been convicted on indictment of a specified offence; an

(b) it falls to a court to assess under Article 13 or 14 whether there is a significant risk to members of the public of serious harm occasioned by the commission by the offender of further such offences.

(2) The court in making the assessment referred to in paragraph (1)(b)—

(a) shall take into account all such information as is available to it about the nature and circumstances of the offence;

(b) may take into account any information which is before it about any pattern of behaviour of which the offence forms part; and

(c) may take into account any information about the offender which is before it."

[30] The test for dangerousness under Article 13(1) of the 2008 Order is met where the offence is a serious offence and the court is of the opinion that there is a significant risk to members of the public of serious harm occasioned by the commission by the offender of further specified offences.

[31] In making this assessment, in accordance with Article 15, the court:

"(a) Shall take into account all such information as is available to it about the nature and circumstances of the offence;
(b) May take into account any information which is before it about any pattern of behaviour of which the offence forms part; and

(c) May take into account any information about the offender which is before it."

[32] In *R v EB* [2010] NICA 40, the Court of Appeal approved the approach of the English Court of Appeal in *R v Lang* [2005] EWCA Crim 2864, on how the assessment of the risk of serious harm should be made under these provisions:

> "(i) The risk identified must be significant. This was a higher threshold than mere possibility of occurrence and could be taken to mean 'noteworthy, of considerable amount or importance.'
>
> (ii) In assessing the risk of further offences being committed, the sentencer should take into account the nature and circumstances of the current offence; the offender's history of offending including not just the kind of offence but its circumstances and the sentence passed, details of which the prosecution must have available, and, whether the offending demonstrated any pattern; social and economic factors in relation to the offender including accommodation, employability, education, associates, relationships and drug or alcohol abuse; and the offender's thinking, attitude towards offending and supervision and emotional state. Information in relation to these matters would most readily, though not exclusively, come from antecedents and pre-sentence probation and medical reports. The sentencer would be guided, but not bound by, the assessment of risk in such reports …
>
> (iii) If the foreseen specified offence was serious, there would clearly be some cases, though not by any means all, in which there might be a significant risk of serious harm. For example, robbery was a serious offence. But it could be committed in a wide variety of ways, many of which did not give rise to a significant risk of serious harm ...
>
> (iv) If the foreseen specified offence was not serious, there would be comparatively few cases in which a

> risk of serious harm would properly be regarded as significant …"

[33] *R v Wong* [2012] NICA 54 is also instructive in relation to the approach to be taken in terrorist cases when assessing dangerousness. Morgan LCJ at para [11] cited with approval the following passage from *R v Pedley and Others* (2009) EWCA Crim 840:

> "… we agree that within the concept of significant risk there is built in a degree of flexibility which enables a judge to conclude that a somewhat lower probability of particularly grave harm may be significant and conversely that a somewhat greater probability of less grave harm may not be."

[34] He went on to suggest at para [15] that in terrorist cases the matters likely to require consideration will usually include:

> "(i) the nature of the harm to which the offence was directed;
>
> (ii) the intention or foresight of the offender in relation to that offence;
>
> (iii) the stage at which the offending was detected;
>
> (iv) the sophistication and planning involved in the commission of the offence;
>
> (v) the extent to which the conduct of the offender demonstrates a significant role in the carrying out of the offence;
>
> (vi) the previous conduct of the offender;
>
> (vii) the danger posed by the terrorist organisation in question;
>
> (viii) an assessment of the extent to which the appellant is committed to or influenced by the objectives of that terrorist organisation; …'

Assessment of dangerousness

[35] The court has the benefit of two reports, a pre-sentence report and a report from Dr Pollock, consultant psychologist. I have heard the evidence in the trial and been informed of the defendant's limited criminal record. I have been made aware of his lack of offending while on bail awaiting trial.

[36] The pre-sentence report outlines numerous protective factors including no identified history of mental ill-health, self-harm, or emotional instability. His physical health is good and does not impact risk. He has a structured lifestyle with a positive pro-social attitude. There is no history of substance misuse, a stable family and partner support together with good physical health management. A limited criminal record.

[37] On the negative side the pre-sentence report records that risk factors include denial of offending and minimisation of impact which is not uncommon in cases involving conviction after trial. Also, a desire to return to live close to where the offending occurred, which in respect of this defendant is where his mother and family support all live.

[38] It is accepted that he is assessed as a low likelihood of reoffending but the nature and seriousness of the index offending appears, absent any context or explanation, to be what weighs heavily on the report writer and forms the basis of her finding of dangerousness.

[39] By way of contrast Dr Pollock's findings are that the defendant should not be regarded as dangerous within the meaning of the 2008 Order for the reasons he articulates in a carefully crafted report. He regards the defendant as a low risk of re-offending in general non-violent terms in the future.

[40] He further assessed the defendant in terms of potential risk of future harm to the public by committing violent offences using established standardised violence risk protocols and tools including the HCR-20(v3) and SAPROF schemes. These are designed to guide decision making about future risk potential. In summary his findings were that the defendant was of 'low risk' of violent conduct towards another person.

[41] In conclusion, Dr Pollock stated that it was his view that the findings from the tools used to assess the defendant:

> "do not persuade that Mr Logan, as an individual, would be classified to be likely to pose a significant risk of violent conduct towards others by the commission of further offences.

> … On balance and taking all information about the offender and his offending into account, it is respectfully concluded that Mr Logan, as an individual, should not be designated to be an offender who would be categorised within the discrete sub-set and class of offenders who would pose a significant risk of serious harm by future offending against the wider, general public."

[42] Having considered all the fact specific circumstances of this case I am not satisfied the test for dangerousness as set out in *R v Lang, R v EB* and *R v Wong* has been met and I do not find the defendant dangerous as defined by the 2008 Order.

Applicable sentencing regime

[43] It is agreed that only count 3 is caught by the provisions of section 30 of, and Schedule 2 to the CTA 2008 due to the date of the offending being after 12 April 2019, before the coming into force of section 1 of the CTSA 2021.

[44] Section 24 of the CTSA 2021 commenced on 30 April 2021. It inserted a new Article 15A into the Criminal Justice (NI) Order 2008. This new Article 15A provides as follows:

> "15A—(1) This Article applies where—
>
> (a) a person is convicted after the commencement of section 24 of the Counter-Terrorism and Sentencing Act 2021 of—
>
> (i) a serious terrorism offence;
>
> (ii) an offence within Part 4 of Schedule 2A (terrorism offences punishable with more than two years' imprisonment); or
>
> (iii) any other offence in respect of which a determination of terrorist connection is made;
>
> (b) the court does not impose, in respect of the offence or any offence associated with it, a life sentence, an indeterminate custodial sentence, a serious terrorism sentence or an extended custodial sentence; and
>
> (c) the court decides to impose a custodial sentence.

(2) But this Article does not apply where—

(a) the offender is under the age of 18 when convicted of the offence; and

(b) the offence was committed before the commencement of section 24 of the Counter-Terrorism and Sentencing Act 2021.

(3) The court shall impose on the offender a sentence under this Article.

(4) Where the offender is aged 21 or over, a sentence under this Article is a sentence of imprisonment the term of which is equal to the aggregate of—

(a) the appropriate custodial term; and

(b) a further period of one year for which the offender is to be subject to a licence.

(5) Where the offender is under the age of 21, a sentence under this Article is a sentence of detention at such place and under such conditions as the Department of Justice may direct for a term which is equal to the aggregate of—

(a) the appropriate custodial term; and

(b) a further period of one year for which the offender is to be subject to a licence.

(6) The term under paragraph (4) or (5) must not exceed the maximum term of imprisonment with which the offence is punishable (apart from Article 13).

(7) In paragraphs (4)(a) and (5)(a), the "appropriate custodial term" means the term that, in the opinion of the court, ensures that the sentence is appropriate.

(8) A person detained pursuant to the directions of the Department of Justice under paragraph (5) shall while so detained be in legal custody.

(9) A court which imposes a sentence under this Article shall not make an order under section 18 of the Treatment of Offenders Act (Northern Ireland) 1968 (suspended sentences) in relation to that sentence.

(10) Remission shall not be granted under prison rules to the offender in respect of a sentence under this Article.

Section 30 Counter-Terrorism Act 2008

[30] Sentences for offences with a terrorist connection: Northern Ireland

(1) This section applies where a court in Northern Ireland is considering for the purposes of sentence the seriousness of an offence specified in Schedule 2 (offences where terrorist connection to be considered) within subsection (5A) or (5B).

(2) If having regard to the material before it for the purposes of sentencing it appears to the court that the offence has or may have a terrorist connection, the court must determine whether that is the case.

(3) For that purpose the court may hear evidence and must take account of any representations made by the prosecution and the defence, as in the case of any other matter relevant for the purposes of sentence.

(4) If the court determines that the offence has a terrorist connection, the court—

(a) must treat that fact as an aggravating factor, and

(b) must state in open court that the offence was so aggravated.

(5) In this section "sentence", in relation to an offence, includes any order made by a court when dealing with a person in respect of the offence.

(5A) An offence is within this subsection if it—

(a) was committed on or after the day on which section 1 of the Counter-Terrorism and Sentencing Act 2021 came into force,

(b) is punishable on indictment with imprisonment for more than 2 years (or would be so punishable in the case of an offender aged at least 21), and

Is not specified in Schedule 1A.

(5B) An offence is within this subsection if it—

(a) was committed—

(i) on or after 12 April 2019 (being the date on which section 8 of the Counter-Terrorism and Border Security Act 2019, which extended this section to Northern Ireland, came into force), **but**

(ii) before the day on which section 1 of the Counter-Terrorism and Sentencing Act 2021 came into force, and

(b) is specified in Schedule 2.

(5C) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of subsections (5A) and (5B) to have been committed on the last of those days.

(6) This section has effect in relation only to offences committed on or after the day it comes into force."

[45] Part 3 of Schedule 2A to the Criminal Justice (NI) Order 2008 contains offences which are not terrorist offences but are offences that are capable of being determined as having a terrorist connection and are punishable by life imprisonment. The offence at count 3 of the present indictment is specified. If the court determines that there is a terrorist connection, in respect of the offence, a number of consequences flow. In particular, the court is required under section 30(4) of the Counterterrorism Act 2008 as amended by section 1(4) and 1(5) of the CTSA 2021 Act to treat that fact as an aggravating factor and must state in open court that the offence was so aggravated. If the court concludes that Article 15A does not apply a defendant falls be sentenced to a determinate custodial sentence.

[46] In the circumstances of the present case, I do not have evidence provided to me that shows or establishes facts from which I can draw an inference that the defendant was a member of, committed to, or influenced by the objectives of a terrorist organisation to become involved in the index offences. There is no evidence of membership of a terrorist organisation nor has any evidence been called linking him to or having association with members of any such organisation. Indeed, and is one of the points highlighted in the pre-sentence report specifically that the motivation behind the index offending remain speculative and it is unclear whether it is isolated or part of a broader pattern potentially linked to a terrorist grouping. Absent such evidence, I cannot be sure that the index offending has a terrorist connection and, accordingly, the defendant falls to be sentenced to a determinate custodial sentence.

The appropriate sentence

[47] The decisions in *R v Roddy* and *R v Wong* are of assistance when considering the range in cases involving possession with intent to endanger life or cause serious injury to property concerning pipe bombs. Much depends on the factual circumstances of each individual case. In terms of a range for offending of this type which involves high culpability and significant/medium harm the appropriate range is in my view eight to 10 years. The issue is where within this range does this case properly lie.

[48] The case involves handling several pipe bombs but not involved in their deployment. Anyone handling such devices, particularly with additional shrapnel attached must know the potential lethality of such devices. They were being deployed near the defendant's home over a protracted period from November 2017 to September 2019. He would have been aware of not only the potentiality of these devices to inflict serious physical and psychological harm but also to have an adverse impact on the community they were directed towards. There is no evidence he was involved as a member or associated with a terrorist organisation. The offending in all probability arose out of tensions arising out of the unnotified protest/march which took place in the local area in 2017 which led to the defendant's conviction of that year. Of some modest consideration is the defendant's lack of relevant previous convictions, good work record and personal circumstance all of which I have noted and considered. Taking all of the aggravating and mitigating factors into account, I consider that this case comes at the lower end of the range with a starting point of eight and a half years. This case was contested and there is no reduction in sentence for any plea. However, the issue of delay has been raised by the defence in this case.

Delay

[49] In *R v McGinley* [2025] NICA 11, the Court of Appeal affirmed that where culpable delay on the part of the prosecuting authorities has resulted in a breach of

the defendant's article 6 ECHR right to a trial within a reasonable time, that breach should, as a matter of principle, be reflected by way of a reduction in sentence. The court clarified the obiter observations in *R v Jack*, which had suggested that an article 6 breach should instead be addressed at the stage of identifying the appropriate starting point before consideration of any plea.

[50] *McGinley* confirms that all accused persons are entitled to an effective remedy for article 6 delay. Public confidence is not undermined by an appropriate sentencing reduction to mark the breach. Conversely, public confidence may be damaged if certain categories of offenders are excluded from meaningful remedies. The courts must treat delay consistently across case types, including serious cases, to avoid signalling that systemic delay can be disregarded.

[51] The present offences were committed between November 2017 and September 2019, resulting in a protracted police investigation. In March 2020, the Covid pandemic struck with associated lockdowns and restrictions. The defendant was arrested, interviewed and charged in December 2020. It is now 2026, and the issue of delay therefore arises. The prosecution denies that any part of the delay is culpable. I have considered a detailed chronology demonstrating a range of factors contributing to the passage of time. Some of those factors are attributable to the relevant authorities, including periods of inactivity after charge resulting in 15 months between charge and committal when the DNA evidence was available; others relate to the pandemic, and protracted issues concerning expert examination of DNA evidence.

[52] Having considered the guidance in *R v Coyle* [2024] NICA 22, I am satisfied that a reduction in sentence is warranted notwithstanding the complexities of the forensic issues and the restrictions of the pandemic that has resulted in an overall delay of five years. The remaining question is the extent of the reduction that is appropriate, bearing in mind the need to impose sentences that reflect proper punishment. In all the circumstances, I consider that a reduction of six months is justified.

[53] The sentence is one of eight years determinate custodial sentence split equally between custody and supervised licence on each count concurrent.

[54] The appropriate offender levy applies.