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

THE KING

v

STEPHEN McCULLAGH

Mr MacCreanor KC with Miss Herdman (instructed by the PPS) for the Crown
Mr Kearney KC with Mr Patton (instructed by Campbell and Caher Solicitors) for the Defendant

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SENTENCING REMARKS

KINNEY J

Introduction

[1] The defendant, Stephen McCullagh, was unanimously convicted by a jury of the murder of Natalie McNally. The murder occurred on 18 December 2022. I sentenced him to life imprisonment for the murder of Natalie McNally at the conclusion of the trial. I must now set the minimum period of time he must serve in prison before he can be considered for release.

Background

[2] Since I am sentencing the defendant after his conviction by a jury, the facts relating to that murder are for me to determine as long as they are consistent with the jury verdict. Where there is more than one possible interpretation of the verdict and I am able to reach a conclusion beyond reasonable doubt on the factual basis on which to pass sentence I am entitled to do so. Otherwise, the version or interpretation of events most favourable to the defendant should be adopted.

[3] The defendant and Natalie McNally had been in a relatively short relationship which started in or around August 2022. The defendant was first

introduced to the McNally family in October of that year and shortly after that meeting he again met the family with Natalie to announce her pregnancy. It appeared that everyone was delighted with this news, particularly Natalie herself. The relationship continued and there was no evidence that it was anything other than a normal loving relationship. However, throughout this time Natalie McNally maintained relationships with a number of other individuals. She frequently used social media to keep in contact with others. Amongst those was a previous boyfriend who gave evidence during the trial. She also had communications with other men, who were given the ciphers B, C and P during the trial. Evidence of communications between Natalie McNally and these individuals in early December 2022 appeared to demonstrate some ambivalence or unease by Natalie in her relationship with the defendant and there were suggestions in her messages that she was not fully committed. The jury was told that the defendant had access to Natalie McNally's phone and that he knew her access code. There was no evidence before the jury that he had actually accessed the phone. He appeared however to be aware of some of her messages as he claimed she was distressed by some of the content she was receiving.

[4] On the evening of 14 December 2022 and into 15 December 2022, the defendant pre-recorded a six-hour video for streaming on YouTube. He was communicating with Natalie McNally at the time but made no mention of this six-hour stream which was designed to be shown on Sunday 18 December 2022, starting at 18:00 hrs promptly. This was the day of Natalie McNally's murder.

[5] Whatever may have precipitated the creation of the video stream, I am satisfied beyond reasonable doubt that this was an integral part of the defendant's planning for the murder of Natalie. The jury heard a considerable volume of evidence about this so-called livestream, including its creation, its context and the use the defendant attempted to make of it.

[6] He told no one that he had recorded this video. Indeed, witnesses confirmed that he spoke in the days before 18 December about how he was going to livestream. He told his close friend, Anne and her friend Annette. Anne in her evidence clearly described it as something that was going to happen. She said she had no idea why the defendant lied to her as he was her best friend. He told Natalie herself on 18 December that he was going to stream.

[7] He used the live stream as his alibi immediately to police when they arrived at the murder scene on 19 December 2022. He continued to rely on the livestream throughout the following days and weeks including various conversations with family members. He portrayed himself as in distress because he was doing the livestream when Natalie was murdered and he wasn't able to help her.

[8] When it was first put to him by police in interview that the stream was pre-recorded his initial reaction was to challenge that statement. He queried what computer equipment had been analysed. He said it was impossible. He then

provided police during that interview process with a prepared statement confirming that the video stream had been pre-recorded on 14 and 15 December. He maintained his story that he remained in the house on the night of 18 December drinking.

[9] I am satisfied beyond reasonable doubt that the creation of the video stream, including its frequent references to time and to the context of being shown live on the Sunday evening, was carefully curated to appear as if it was streaming live and to provide, as the defendant carefully planned, a complete alibi to the murder. He carefully constructed the scenario both before the murder in his conversations with others about what he was intending to do on the Sunday night, and then his cold and cruel comments to family afterwards in his attempt to maintain the fiction.

[10] The police had gathered considerable CCTV evidence showing an individual described during the trial as the person of interest moving from the vicinity of the defendant's home in Lisburn, walking to a bus stop in Dunmurry, taking the bus to Lurgan, walking through Lurgan town centre and onwards to the Natalie McNally's address. I am satisfied beyond reasonable doubt that this person was the defendant. The footage showed the defendant entering the development where Natalie lived and then subsequently exiting making a return journey to the centre of Lurgan. The footage showed that the defendant had attempted to change his appearance for the return journey. It showed him approach a taxi waiting outside a bar and after a short conversation get into that taxi. The taxi then took the defendant and stopped immediately outside the defendant's home address in Lisburn. The taxi driver was able to confirm that the defendant was not able to pay his fare but got out of the car outside his house and went into the driveway. The drivers view of the house was obscured by the hedge but the defendant returned and paid his fare. The defendant entered the curtilage of his property as could be seen on the CCTV footage. He subsequently came out with his bin. The defendant accepted that he was the person who put the bin out.

[11] The defendant's phone was inactive during the period of the livestream. The defendant returned home in the taxi at 23:13 hrs and his phone was again active at 23:16 hrs. Shortly after this and at the conclusion of the livestream, the defendant deleted the stream from his computer into his recycle bin and then emptied the recycle bin in an attempt to remove all trace.

[12] On the day of the murder the defendant conducted internet searches on the Translink website. He viewed bus timetables from Dunmurry to Lurgan and also viewed train timetables for trains from Lurgan to Lisburn. The defendant told police during interview that he looked at the timetables because Natalie wanted him to use public transport more. He said he was looking at train timetables to get to Natalie's house on Christmas Eve. However, the timetables he looked at were for the bus journey to Lurgan and the train journey from Lurgan to Lisburn which is entirely inconsistent with that explanation.

[13] There is no evidence of how Natalie received the defendant on the night of the murder. Neighbours gave evidence of hearing sounds like a scream. The state pathologist, Professor Lyness, gave evidence about Natalie McNally's injuries on that night. There were three separate types of injury sustained by Natalie McNally on the night of her murder.

[14] The first was bruising to the left and right-hand sides of her neck. Dr Lyness said those findings were in keeping with Natalie having sustained some form of neck compression prior to death.

[15] Dr Lyness then described three stab wounds to Natalie's neck. The stab wound to the left side of the neck nicked the jugular vein and could have been expected to bleed out quite rapidly. Once sustained that would have caused Natalie's death without prompt medical treatment. All of the stab wounds were caused by a bladed weapon such as the knife found at the scene.

[16] Natalie also sustained lacerations to her head which were in keeping with having sustained at least five heavy impacts. Multiple bruises to the scalp and face were in keeping with Natalie having sustained additional blunt impacts, some possibly the result of blows such as punches.

[17] Dr Lyness said it was a complex case and it was difficult to be certain of the exact fatal sequence. Both the neck compression and the stabbing injuries could have caused death on their own. It was also difficult to completely exclude the possibility that the multiple severe head injuries Natalie sustained may have played some part in the overall fatal sequence. Dr Lyness concluded that the compression to the neck, stab wounds to the neck and blunt force trauma to the head all contributed to the fatal outcome.

[18] In the immediate aftermath of the murder and after he had returned to his own home the defendant then engaged in a complex set of false messages. He sent a series of text messages in the early hours of 19 December both to Natalie McNally's phone expressing some concern and asking why she was not replying to him. He laid one of the planks of his alibi by suggesting she may be angry with him for drinking during his live stream that night. He embellished this performance by messages with his friend, Anne. These continued through to the evening of Monday 19 December when he attempted to persuade Anne to join him in going to Natalie's home to see that she was okay. During his conversations with Anne he appeared to be seeking advice from her on how to approach Natalie. He even shared the suggested composition of messages that he was going to send Natalie. He pretended to be angry with Natalie at her lack of response to his messages.

[19] After he went to Natalie's home on the day after the murder, the defendant engaged in a further orchestrated sequence of contacts, first with the emergency services operator after he made a 999 call and thereafter with the police and the paramedics who attended the scene. He pretended to be distraught. He said he had

performed CPR on Natalie at the scene and described how he had found her when he arrived that evening. He lost no time in attempting to blame an ex-boyfriend. During police interviews he described how the ex-boyfriend was harassing Natalie by calling her. The defendant said Natalie was always upset to hear from this individual.

[20] The jury heard evidence from various family members which largely consisted of their individual exchanges with the defendant after the murder and at a time when he was not a suspect. They described the lengths they went to console the defendant and to make sure that he was all right. He gave a similar account to each family member. In particular he told various family members how he found Natalie with her head in a dog bowl and this was a reference the family found particularly distressing.

[21] During this period he left his phone in the McNally home after he had left the house. His phone was recording the family and that recording was subsequently found on his phone by police. The jury also heard how the defendant had covertly recorded counselling sessions of a previous partner without her permission.

[22] The defendant in this early period of the weeks immediately after the murder presented to the family as devastated, distraught and shocked. When he first arrived at the house on Christmas Day during Natalie's wake the family brought him in and comforted him. They allowed him to spend extensive time alone with Natalie ostensibly to grieve for her. He refused to cooperate with or speak to the police. When the family tried to persuade him to help the police he listed a series of grievances he had about his initial arrest as a reason for his refusal.

[23] During the trial the defendant mounted a concerted effort to pass the blame for the murder onto the now identified ex-boyfriend. The jury heard extensive evidence from that boyfriend over the course of three days. The jury also heard evidence from the partner of the ex-boyfriend at the time of the murder. She provided alibi evidence for the ex-boyfriend. The evidence of these two witnesses was heard over the course of five days and in fact formed a substantial part of the trial process.

Pre-sentence report

[24] The only report available to the court for sentencing was the presentence report prepared by the Probation Board for Northern Ireland. That report reflected the defendant's social and personal circumstances. It detailed his history at school where he struggled to fit in and his belief that he was perceived as being different. It set out his working career and then the sad loss of his mother through ill health in 2014 and the loss of his father in November 2015. He described his various relationships and his small friendship circle.

[25] The author of the report asked the defendant about the offence. The defendant initially claimed to have no memory of the night of the murder. He said he was convinced that he was not guilty of the murder but when the jury returned a guilty verdict he began to suspect that he must be responsible. He said he could not make any sense of the offence. He said he did not remember feeling the need for Natalie to die. He described her murder as horrible, evil and vicious and referred to himself as a monster. He said he was sorry for what he did to the family and to Natalie and to Dean, their unborn son. He said he would take it back in a heartbeat if he could. He maintained that he had started his YouTube broadcast and was then drinking heavily in his own house. He said he remembered having a bath around 01:32 hrs the next morning and then had no memory until he awoke the following morning. He acknowledged that he might have left his house.

[26] The prosecution described this portion of the defendant's account as being incredible and contrary to the jury verdict. The account was internally contradictory and provided little if any assistance to the court for the sentencing exercise. Mr Kearney on behalf of the defendant said that he was not advancing any case of remorse or an acceptance of responsibility. He also described the defendant's account in the report as inherently contradictory and said that he was making no submissions that there should be any reduction in sentence in the light of those matters. I therefore give no weight to this aspect of the report for the purpose of establishing the appropriate minimum term the defendant should serve for this murder.

[27] The defendant was assessed by probation as posing a significant risk of serious harm and there was a high likelihood of reoffending. He has no criminal record.

Sentencing guidelines

[28] Article 5(2) of the Life Sentences (Northern Ireland) Order 2001 provides that the minimum term an individual convicted of murder must serve in prison before being eligible for release on life licence under Article 6 of the same Order shall be:

> "… such part 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."

[29] 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

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.

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).

The higher starting point of 15/16 years

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.

Very serious cases

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."

[30] 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 specifically defined category.

[31] 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.

[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.
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> [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.
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> [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."

[32] 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.

The starting point

[33] The appropriate starting point was the focus of the defence oral submissions in this case. The defence urge that I should choose the normal starting point of 15/16 years. The prosecution say this is a case of exceptionally high culpability and the appropriate starting point is 20 years.

[34] Starting points are matters of guidance and were never designed to be a straitjacket creating an unyielding, compartmentalised structure. In *McCandless*, the court said at para [8]:

> "… The sentencing framework is, as Weatherup J described in paragraph 11 of his sentencing remarks in *R v McKeown* [2003] NICC 5, a multi-tier system. Not only is the Practice Statement intended to be only guidance, but the starting points are, as the term indicates, points at which the sentencer may start on his journey towards the goal of deciding upon a right and appropriate sentence for the instant case."

[35] The task of the court under Article 5(2) of the 2001 Order is to determine a sentence which satisfies the requirements of retribution and deterrence having regard to the seriousness of the offence, and to find the appropriate sentence for that case.

[36] Thus, starting points can be varied upwards or downwards and are merely one part of the court's toolkit in establishing the correct tariff in the particular circumstances and facts of a given case.

[37] I have no hesitation in concluding that the appropriate starting point in this case is the higher starting point of 20 years. I consider that the defendant's culpability is extremely high. I am further satisfied that the starting point must be varied upwards in this case because of the aggravating factors which I will turn to shortly. The court in *Whitla* at para [45], emphasised that where the higher starting point is chosen because of a particular aspect of the case there should not normally be further variation upwards because of the same factor. The sentencing court must be careful to guard against the danger of double counting.

[38] In this case, I am satisfied that the nature and extent of the injuries sustained by Natalie McNally before and at the time of her death clearly require the higher starting point. This was a brutal and frenzied attack which involved the use of a knife, some form of blunt instrument which caused the head injuries and also the neck compression which was part of the cause of death. Dr Lyness also observed a range of other injuries to Natalie indicative of other impacts including possibly punching.

Aggravating factors.

[39] It is difficult to find words adequate to describe the abhorrence that any right-thinking person would have about this attack. Sadly, this case is replete with other significant aggravating factors which must be considered as part of the sentencing process. A significant feature was the level of planning involved in this murder. I am satisfied that the defendant had conceived of his plan days before the

murder and had created a false alibi in the form of his so-called live stream. A considerable amount of work was put into timing, which was an integral part of the recording. The defendant's commentary during the video set the time at regular intervals and made clear references to events happening either on the Sunday 18th itself or the following week. He carefully cultivated the impression that he was drunk. There was also the calculated reference on the video of the unavailability of live interaction with viewers. This prevented any attempt to contact him "live" and expose the lie. Finally, I take into account the fact that the defendant immediately sought not just to delete but to erase the stream from his computer at its conclusion.

[40] The planning also involved the manipulation of other people including his friends, Natalie herself, Natalie's family after her death and the police.

[41] In a particularly sinister twist the planning also involved an elaborate construct seeking to point the finger definitively at an innocent third party. The defendant laid a trail of breadcrumbs towards the ex-boyfriend including telling his friend Anne and others of worrying messages sent by the boyfriend to Natalie, his immediate reference to an ex-boyfriend to the police when they arrived at the murder scene and his continued attempts to implicate the ex-boyfriend up to and including the trial process. He embarked upon a complex and determined plan to falsely incriminate an innocent person and he maintained this façade throughout the trial.

[42] A further aspect of that planning was the significant efforts to avoid detection including the way in which he travelled to Natalie's house, his attempts to change his appearance, his attempts to control the way in which he travelled, using bus and train timetables to plot his route.

[43] Another serious aggravating factor is the domestic violence context of this crime. Murder in these circumstances is, of course, the most extreme example of domestic abuse. Offenders such as the defendant exploit emotional proximity, vulnerability and easy access to their victim. This was not a spontaneous action by the defendant but one which was carefully planned. The murder of women by a current or former partner is a grave and recurring phenomenon in our society. Statistical information was provided to the court from various sources but I have no evidence as to its provenance or its methodology. To place the matter in context, I referred the parties to a report published by the Police Service of Northern Ireland entitled "Trends in domestic abuse incidents and crimes recorded by the police in Northern Ireland 2004/05 to 2024/25." There are of course limitations to the information contained within this report. It relates to reported domestic abuse incidents and crimes and is of a broader scope than considering female domestic murders. However, there are some relevant matters. At paragraph 2.1 of the report, figure 2.3 shows that almost half of the total number of murders recorded in Northern Ireland in recent years had a domestic abuse motivation. In 2021/2022, seven murders had a domestic abuse motivation and 10 did not. In 2022/23, eight had domestic abuse motivation and eight did not. The comparative figures for

2023/24 were three murders with domestic abuse motivation and seven without and for 2024/25 it was six with domestic abuse motivation and seven without. Thus, in the four-year period there were 24 murders with a domestic abuse motivation. The definition of domestic abuse for the purposes of the report included threatening, controlling, coercive behaviour, violence or abuse inflicted on anyone by a current or former intimate partner or family member. There is understandably considerable public concern surrounding violence against women and girls. Punishment and deterrence remain legitimate sentencing purposes.

[44] I am satisfied that Natalie was a vulnerable individual in the circumstances of this murder. She was murdered by someone she trusted. She was murdered by the father of her unborn child. Indeed, her pregnancy contributed to her vulnerability. She lived alone and was murdered within what ought to have been the security and safety of her own home, a place of sanctuary to which the defendant had gained access on the night of the murder.

[45] Natalie and her family were also subjected to unnecessary and pointless degradation. I am satisfied beyond reasonable doubt that Natalie's face was at some stage in the dog bowl which could be seen beside her body and in the doorway to the living room on the police photographs. The defendant said he had moved her from this dog bowl to apply CPR. I do not accept that this aspect of her murder was anything other than intentional and was part of her punishment and humiliation. The defendant followed through the same gratuitous behaviour when he told the family members in some detail of how he allegedly found Natalie. In particular, he embellished his account to Natalie's mother Bernie and it was a significant part of her evidence when she told the jury how badly this had affected her. He also attended Natalie's wake as part of his pretence and spent some time with her alone in the McNally family home, a matter which has caused considerable distress to the family.

[46] The defendant did not just kill Natalie McNally. Her unborn child also died as a result of the murderous assault. The defendant was fully aware that Natalie was pregnant. He intended to kill her and he knew that her baby, at such an early stage of the pregnancy, would have no chance of surviving the attack. The law does not treat an unborn baby of that age as a separate crime. However, that does not diminish the depravity of the defendant's actions. There is an emotional and moral gravity in deliberately and prematurely ending a pregnancy, especially, as in this case, a wanted pregnancy. This was a deliberate, calculated and successful attempt to prevent the eventual birth of a child. The circumstances of the murder were exceptionally brutal and I am satisfied that grave additional harm was caused by the loss of the pregnancy and of the unborn child. I attach significant weight to this aggravating factor.

[47] The defendant continued his pretence with the wider McNally family after the murder. He was welcomed with open arms by the family who were concerned about his own apparent grief and trauma. He continued to lie and to mislead the

family and played the part of a distraught partner, thereby causing further anguish and grief by the nature of his performance. During that time he also covertly recorded the family in their private conversations after he had left the McNally family home.

Mitigating factors

[48] The prosecution identified no mitigating factors in this case. The defence point to the content of the presentence report for the relevant issues relating to the defendant, his background and his personal circumstances. These personal circumstances carry little weight in the sentencing process and do not justify any reduction in the starting point or in the ultimate tariff.

[49] I wish to say something briefly about Natalie herself and also the wider McNally family. I have received statements from a number of family members. I am sure they were very difficult to write and I can assure you that they were very difficult to read. The content is heartrending. They are powerfully moving and contribute to the picture of Natalie and the importance she played in the family circle. The murder of a beloved daughter, sister and cousin has left a massive hole in that family. She is described as strong-minded, smart, supportive. She was a loving, caring, fun, sweet person. She cared about people and she fought for the rights of others. She had an independence of spirit. Natalie's mother described the family as having a giant empty space that can never be filled. Natalie's father spoke of the stress of the court proceedings, the trial itself and having to listen to the evidence of Natalie's injuries and the discussions of her private life. He said no father should have to listen to personal messages their daughter wrote or received.

[50] The family have described the trauma of going to Natalie's house and packing up the remnants of her life. They all talked of the grief they felt about the loss of unborn baby Dean. Natalie did not know that she was expecting a boy. Declan said "Natalie's child Dean never got a chance at life. The savagery and cruelty the murder has inflicted on Natalie, my family and me is simply immeasurable."

[51] The family have suffered a depth of pain and grief which truly cannot be fathomed or understood by those of us who have not experienced such horrific tragedy. I feel I have come to know something of the McNally family and of their integrity and dignity as I have observed them over the course of this trial. Their demeanour was never short of exemplary and they exuded a quiet dignity throughout the trial, including during some of the more unpalatable aspects of the evidence in this case. Despite all the obstacles and adversity they faithfully followed and participated in these proceedings and were an essential part of ensuring justice was obtained for Natalie.

[52] Through the evidence at trial and the moving statements provided by family I feel that I have been able to form my own picture of Natalie. It is one of a strong, loving, independent young woman. She knew what she wanted from life and she

was not inhibited from enjoying her own life on her own terms. She was intelligent, compassionate and funny. During the trial evidence was given of intimate aspects of Natalie's life. That is unfortunately just one aspect of the need for an open and fair trial. However, those messages also spoke to the strength of Natalie's personality and gave a glimpse into that personality which has been much more eloquently described by the family in their moving and personal statements.

[53] The sentence I pass today cannot possibly reflect the value of Natalie's life or indeed that of her unborn child Dean. Even more pointedly it cannot in any way meet the sense of grief and loss felt by the family at this time. I can only hope that bringing this long criminal process to a conclusion assists with some measure of closure for those who miss Natalie so much.

Conclusion

[54] Stephen McCullagh you have committed a brutal and senseless murder. You planned this murder in remorseless detail. You attacked someone you professed to love in a frenzied assault which was characterised by its excessive and gratuitous violence. Despite that frenzy, the killing was cold-blooded and calculated as evidenced by the extensive planning leading up to the murder and to your actions afterwards. Your behaviour towards the McNally family showed your absolute determination to cover your tracks.

[55] I am satisfied that a very substantial increase in the starting point is required in this case. I have considered any possible double counting in arriving at my conclusions. I have taken into account the aggravating factors which are significant both in their volume and also in the high level of harm and culpability they represent. Offences of murder are always extremely serious and are always heinous crimes. Your culpability in this case is exceptionally high and has many outstanding features which mean it is far more serious than most cases of murder.

[56] The term I am about to impose is the minimum term that you must serve in custody before you can be considered for release by the Parole Commissioners. It will be for the Parole Commissioners to consider whether it is safe and appropriate to release you. Otherwise, you will remain in custody. If you are released from custody, you will remain subject to the life sentence already imposed upon you for the remainder of your life which means that if necessary you can be returned to custody at any time.

[57] Balancing all factors together, I am satisfied that the tariff I must impose in this case is one of 31 years.