

Neutral Citation No: [2026] NICC 10

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*Judgment: approved by the court for handing down
(subject to editorial corrections)**

ICOS No:

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

THE KING

v

KEVIN JONES

LYNCH HHJ

Introduction

[1] The defendant has pleaded guilty to one count of domestic abuse between 21 February 2022 and 7 November 2024, aggravated by reason of involving a relevant child (count 1) and one of harassment, between 20 October 2016 and 20 February 2022 (count 3).

Facts

[2] The accepted facts upon which the defendant is to be sentenced are as follows:

[3] During the offending window the defendant and complainant were husband and wife and were living together with their two young children. The two charges to which the defendant has pleaded guilty relate to a course of behaviour during the relevant eight year period.

[4] The complainant describes a home environment wherein she was “walking on egg shells” waiting for the defendant to have the next outburst. The defendant spoke to her abusively throughout that period, both in person and by text message. The tone of the defendant’s behaviour towards the complainant is illustrated by four recordings which the complainant took of the defendant’s behaviour without his knowledge. These were played to the court and reflect a persistent hectoring tone debilitating to the listener and the victim.

[5] At a halloween party in 2016 the complainant’s brother saw text messages on her phone in which the defendant called her a “cunt” and referenced her choosing

her family over the defendant. The complainant's brother confronted the defendant at this time and she covered for him. The abusive behaviour worsened after the defendant lost his driving licence in 2019.

[6] The defendant's behaviours, which were repeated on multiple occasions throughout the timeframe, are as follows:

- Sending abusive text messages to Danielle calling her names (cunt, unlovable, ignorant cunt, lesbian, silly cunt) swearing at her (Fuck off you cunt, Go fuck yourself, Blocking fone fuck ya, Fuck away off) etc.
- Saying "the red mist is descending" and calling Danielle into the kitchen to argue with and scream at her;
- Following her into the bathroom to shout at her;
- Following her down the driveway shouting at her asking if she wants to do this in front of the neighbours;
- Pouring crisps over her head;
- Throwing crisps at her;
- Throwing red wine at her;
- Smashing glasses, vases and crockery, then telling Danielle that she made him do it;
- Letting the dog out onto a road beside the family home and sending Danielle pictures of the dog running loose so that she would have to return home;
- Blocking Danielle's car in to prevent her from going out;
- Throwing Danielle's keys into waste ground near the home to stop her from being able to leave in the car;
- Throwing dinner into the sink and toilet;
- Setting plates of dinner down on the floor for the dog to eat;
- Spitting at Danielle in her face and hair. I interject to comment that this is itself a criminal assault.

When incidents occurred in the presence of the children, the defendant telling them that things are Danielle's fault:

- Calling Danielle a lesbian as she is not interested in him;
- Alleging that she is only going to watch the children play GAA to get another man or woman;
- Saying that she gets up early for an early morning workout class as it is a 'lesbians bootcamp'
- Blocking Danielle's path out of rooms so she has to push past him, with him then accusing her of assault;
- Trying to turn the children against Danielle's family;
- Blaming Danielle for things that happened to him such as losing his driving licence, getting points on his licence, problems with his family, him smashing his violin and guitars;
- Blaming Danielle for having to stay in his job;

- Arriving home late to prevent Danielle getting to camogie training on time;
- Telling Danielle that she didn't train hard enough to reach her sporting potential and that she should have stopped playing camogie when she was at the top;
- Making jibes about Danielle's family members and commenting negatively on how their children behave;
- Displaying jealousy about the complainant's relationship with her family and friends.

[7] There were also a number of specific/one-off incidents as follows:

- On a date unknown in 2019, smashing Danielle's car windscreen by punching it when he was angry;
- On a date unknown in 2019 being so drunk that he was trying to take one of the infant children from the complainant and she had to run away. She rang the defendant's father for help to get out of the house;
- In August 2024, lifting a knife and slashing tiles and a windowsill;
- In August 2024, on a trip to Ballycastle, leaving the car and refusing to return, resulting in Danielle driving round to get him to come back into the car, causing distress to the children who were also in the car;
- In October 2024, smashing bedroom lamps;
- In Autumn 2024, damaging Danielle's mobile phone by throwing it against the bedroom wall;
- Threw a tub of sudocrem off the bedroom wall;
- Threw her hurl over a motorway fence to stop her from being able to attend camogie training;
- Told the children that Mummy doesn't want Daddy to be part of the family anymore at the end of the relationship;
- Smashed the scales in the shower so that the complainant couldn't get in the shower to wash and causing a chunk to come out of the shower tray

[8] The complainant provided photographs of damage which the defendant caused to various items/places in the home.

Defendant's background

[9] The defendant's date of birth is 12 November 1981 and is therefore age 44 at the time of sentencing. He currently lives with his parents on a temporary basis after separation from his family resulting from the instant offences. His mother suffers from incipient dementia.

[10] He describes himself as growing up in a religious home. After school he went to St Mary's Teacher Training College and qualified as a primary school teacher. Until recently he had worked in that capacity and had done so for 15 years though his last three years were marred by what is referred to in the pre-sentence report

(PSR) as “behavioural issues”, though it’s unclear what this may mean, but which the defendant says affected his mental health. His wife encouraged him to remain in this employment and thus (he maintains) contributed to his mental health difficulties.

[11] His separation from his wife and family, particularly the loss of contact with his two sons aged four and seven, he states he finds particularly upsetting, though he hopes to resume contact with them after this case has been dealt with.

[12] According to the rapporteur of the PSR the defendant acknowledges “some wrongdoing in terms of how he addressed his wife during periods of stress or emotional difficulty ... He does minimise the regular pattern of behaviour he displayed towards her.”

[13] The author of the PSR records the resentment on the part of the defendant towards his wife as a result of her encouraging him to remain in his teaching job and not his aspirational alternative as a private music tutor. Consequently, he maintains that he felt forced to remain in a job that he had lost all appetite for.

[14] I quote from the PSR:

“Since the offences ... he can accept some blame, however, does struggle to address the consistency and regularity of his abuse towards his wife. He fails to acknowledge the distress he had caused to the victim over the years or the significance and impact his behaviour has had on both her and the children.”

[15] He is assessed as a medium likelihood of reoffending and is not considered as posing a serious risk of serious harm in the future.

Psychiatric evidence

[16] I have received a report of Dr Senevitatne, Consultant Forensic Psychiatrist.

[17] He records that the defendant had no previous psychiatric history until 2016 which was related to stress at work leading to his first period of sick leave. His mental health deteriorated from November 2024 following his marital breakdown and criminal proceedings. He is currently on medication for depression and anxiety and describes having frequent panic attacks. He is not receiving psychotropic medication.

[18] He attended counselling with Inspire Counselling, discussing anger management, maintaining hope and managing his feelings about the loss of his children.

[19] He attributes his criminal acts, in part to his ADHD stating, to the psychiatrist that he would not have committed the criminal acts without the disorder and would do things differently with what he now knows.

[20] According to the psychiatrist, the defendant has demonstrated a capacity for empathy and in summary:

“He attributed his offending to an unmanaged ADHD and emotional dysregulation in the context to occupational stress and family breakdown ... He placed primary responsibility on undiagnosed ADHD.”

[21] He assesses the defendant (informally) as above average IQ. He says that his:

“minimisation of the offences will need exploration ... He must address his alcohol and gambling problems ... I accept the complainant’s description of calculated and instrumental aggression ... In my opinion the defendant demonstrates remorse, regret and acknowledged the impact of his behaviour on his wife and children”

[22] In relation to the effect of immediate custody on the defendant, he opines:

“Immediate imprisonment would impact on his mental health, by removing his protective factors – church community, musical activities, caring role for his elderly parents and community support – and would interrupt his psychiatric treatment.”

R v WD [2025] NICA

[23] Sentencing under section 1 of the Domestic Abuse and Civil Proceedings Act (NI) 2021 (the Act) was considered by our Court of Appeal in a judgment delivered by Treacy LJ. The facts of that case were:

“[2] The appellant and the victim, JG, had been in a relationship for some two and a half years but, at the date of the events giving rise to this appeal, that relationship was over.

[3] Around midnight on the night of 12/13 July 2022 the appellant called at the home of JG demanding that she give him £50. While there he kicked and broke the oven door and on his way out he took her phone, her handbag and other personal items with him. JG reported this

incident to police who attended and recorded the loss and damage.

[4] Around 3.40am on the morning of 13 July the appellant returned to the victim's home where she was in bed. She heard noise at her front door and saw through her doorbell camera that the appellant was at her door again. She called the police. Shortly afterwards she heard a noise at the back of her home followed by shouting and smashing in the downstairs areas of her house. She locked herself in a bathroom."

[24] The learned sentencing judge took the domestic abuse count as the lead offence and sentenced the appellant to 27 months' imprisonment with a concurrent sentence for an offence of aggravated burglary. The Court of Appeal approbated this approach stating

"Clearly the underlying domestic abuse agenda of the appellant as taken into account by the judge in relation to his determination of what the headline offence ought to be in this case ... It is clear from the facts of this case that this appellant did engage in abusive behaviour on two occasions on the night in question ..."

[25] The sentence of 27 months was upheld.

Defence submissions

[26] The defence in mitigation submit:

- (i) The defendant is entitled to full credit for his plea of guilty which was the culmination of extensive negotiations between counsel for the Crown and the defence. This plea indicates remorse on the part of the defendant and obviated the necessity of the victim having to give evidence and relive the events the subject of these offences and "It is understood that the plea is a very much welcome one".
- (ii) The defendant has taken active steps to address his mental health issues by engaging with his GP and undertaking counselling with Relate NI.
- (iii) He has no formal history of alcohol/drug misuse.
- (iv) I have received and considered two testimonies. One from Mr Quinn who was involved in the defendant's early teaching career and speaks to his musical talent. Mr Boylan, Head of Specialist Provision at St Patrick's College

Ballymena, speaks to his contribution to the school and his ability to nurture young persons with musical ability.

- (v) They seek to distinguish the *WD* case (to Mr Jones' benefit) on the basis that a number of elements present in that case are absent from the instant case:
 - (a) *WD* caused significant destruction to the victim's property;
 - (b) He entered as a trespasser the home of the victim who was forced to lock herself away.
 - (c) He had 54 previous convictions including a domestic violence offence against a previous partner and was in breach of two suspended sentences.
- (vi) The parents of the defendant have serious medical issues:
 - (a) His mother has been unwell for a lengthy period of time. She had a colostomy and requires a stoma bag and requires dialysis every two weeks. Accordingly, her life expectancy is correspondingly reduced.
 - (b) His father has shown early signs of dementia as a consequence of which his driving license has been revoked. He suffers from sleep apnoea.
 - (c) The defendant lives close to his parents and they are dependant upon him to attend hospital and for basic assistance.

[27] In relation to latter issue, the relevance of dependency of family members on a defendant was considered in the case of *R v Francis Devlin* [2023] NICA 71:

"In a criminal sentencing exercise the legitimate aims of sentencing which have to be balanced against the effect of a sentence often inevitably has on the family life of others, include the need of society to punish serious crime, the interest of victims that punishment should constitute just desserts, the needs of society for appropriate deterrence (see section 142 Criminal Justice Act 2003) and the requirement that there ought not to be unjustified disparity between different defendants convicted of similar crimes ... Not only society but also children have a direct interest in society's climate being one of moral accountability for wrongdoing. It also needs to be remembered that just as a sentence may affect the family life of the defendant and of his/her innocent family, so

the crime will very often have involved the infringement of other people's family life."

[28] In the *Devlin* case, the appellant's son suffered from autism and was the basis upon which the appellant submitted that there were exceptional circumstances enabling the court to substitute a suspended sentence for the immediate custodial sentence imposed. The Court of Appeal concluded:

"A weighty factor is that this is clearly not a case on the cusp of the custody threshold. Rather, this was a case where custody could not proportionately be avoided, even with the effect on children or other family members. In addition, the sentence was mitigated to take into account the effect on the son of his father's imprisonment.

Thus, whilst there are factors in this case which point to difficult circumstances for the family, with whom the court is sympathetic, we do not consider that the circumstances were so exceptional to merit a suspension of the sentence in light of the nature and extent of the index offending. In this case the public interest requiring condign punishment and deterrence decisively outweighs the competing private interests."

[29] I consider that the familial circumstances of the defendant's parents, while evincing sympathy, are not such as to attract a substantially reduced sentence or effect the character of such sentence.

Victim impact statement

[30] The voice that needs to be heard is that of the victim herself and the effect the defendant's conduct has had and continues to have upon her. I have received a five-page statement which graphically deals with these issues. I do not propose to read out the entirety of the report but summarise as follows:

- (i) Her kitchen requires a number of repairs due to the damage caused by the defendant and whilst this is not, in itself a major issue she finds it a struggle even to be in the room as it was somewhere where many of the distressing incidents of abuse occurred. Her youngest son cheered her up by saying that the dog was happier because there was no more shouting.
- (ii) She finds the level of embarrassment and guilt overwhelming now that her double life is over. She has lost her confidence in delivering bespoke education programmes for children with autism.
- (iii) She is now hypervigilant.

- (iv) She realises now that “throughout the course of the marriage my personality, character etc were chipped away at to the extent I had given up a sport I was so passionate about, removed myself from the sports club distanced myself from family/friends. Now I have all this back.”
- (v) She has found support through Women’s Aid and how she is on her way out of the “reactive, hypervigilant, walking on eggshells stages”.
- (vi) “I must live with the regret that I did not take action sooner and the what if I had ended the relationship when Keelan was 5 not 7 as it has had more of an affect upon him and he has witnesses more of the behaviours than Caoimhin who was 4 when the relationship ended.”

Sentencing criteria

[31] The sentencing in section 1 of the Act has not been considered in any detail in this jurisdiction apart from *WD* supra which I shall shortly deal with. The section reads:

“The domestic abuse offence

1. – (1) A person (“A”) commits an offence if –

- (a) A engages in a course of behaviour that is abusive of another person (“B”),
 - (b) A and B are personally connected to each other at the time, and
 - (c) both of the further conditions are met.
- (2) The further conditions are –
- (a) that a reasonable person would consider the course of behaviour to be likely to cause B to suffer physical or psychological harm, and
 - (b) that A –
 - (i) intends the course of behaviour to cause B to suffer physical or psychological harm, or
 - (ii) is reckless as to whether the course of behaviour causes B to suffer physical or psychological harm.

(3) The references in this section to psychological harm include fear, alarm and distress.

(4) The offence under this section is to be known as the domestic abuse offence."

Section 5(4):

"(4) One person is in a relevant relationship with someone else if –

(a) they are married to, or are civil partners..."

[32] The case of *WD* deals with a very specific set of facts. Whilst it was held that the two distinguishable events on the one day constituted a course of behaviour the statement by the Justice Minister Naomi Long in introducing the second stage of the bill in The Assembly made it clear that the legislation was directed at the sort of behaviour evidenced in this case:

"Since becoming Justice Minister I have made it clear that progressing domestic abuse legislation is a key priority for my Department. This has become even more important in recent times where, for many, home is no longer a safe place ... The need for legislation has never been more clear. The thousands of men and women across Northern Ireland who wake every morning feeling frightened, controlled, isolated, degraded humiliated or ashamed in their own homes. Always on their guard, waiting for their next attack whether that be physical or psychological. And who is their abuser? A partner, a close family member, the person that sits across them at the dinner table. Someone they should be able to trust but tragically can't."

And:

"The views of consultees was clear. Some said, "Slap me punch me, but don't put me through one more hour of mental torture" ... If I had a choice between being physically or mentally tortured I'd chose the beating".

[33] These quotes speak for themselves in demonstrating exactly why a new domestic abuse offence is needed.

[34] The legislature clearly recognised the necessity of protecting the vulnerable from the type of systematic oppressive behaviour evidenced in the instant case and that section 1 of the Act was specifically enacted to afford such protection.

[35] The Court of Appeal in Northern Ireland has consistently sent out the same message in relation to domestic violence cases generally.

Criteria

[36] As stated above, the case of *WD* was very much decided on its own specific facts and did not either set out a sentencing regime nor indicate the criteria for assessing culpability and degrees of seriousness.

[37] I regard the following as the basis for my assessment of aggravating and mitigating factors:

- (i) Analysing the behaviour itself.
 - (a) The nature and seriousness of the course of behaviour.
 - (b) The length for time over which it was perpetrated.
 - (c) Whether children of the family witnessed the behaviour whilst being careful not to double count should it be pleaded as a statutory aggravating feature.
 - (d) If the behaviour is witnessed by other persons thus exacerbating the humiliation of the victim.
 - (e) If perpetrated in the victim's own home where he/she is most entitled to feel secure.
 - (f) Whether actual violence or threat of violence is part of the behaviour being careful not to double count if there are separated charges relating to such violence.
 - (g) Whether the perpetrator deliberately isolated the victim from his/her friends/family and other support systems.
- (ii) The effect it has had upon the victim, possibly inferred from the behaviour itself, ideally as evidenced in a victim impact statement or report.
- (iii) Whether the perpetrator intended to cause physical or psychological harm or was reckless. The intention to cause such harm being more serious than recklessness.

- (iv) Circumstances particular to the offender:
 - (a) Whether there is a record of domestic violence/oppression especially if perpetrated on the same victim.
 - (b) A clear record is not necessarily an indicator that a non-custodial sentence is appropriate.
 - (c) Genuine remorse.
 - (d) Reconciliation with the victim, if genuine and properly evidenced.
 - (e) Undertaking courses to ameliorate the offending behaviour.

Considerations

[38] In *R v Hutchinson* [2022] NICA 55, the Lady Chief Justice said:

“In this jurisdiction we are now more alert to the scourge of domestic violence which has become all too prevalent in our society.

... (the sentence) Reflects ... society's utter condemnation of such behaviour and should be taken as a signal that offending of this nature will attract commensurate sentences.”

[39] And, again, in *Hughes* [2022] NICA 12:

“It will be apparent from what we have said that in future perpetrators of sustained domestic violence such as this can expect to obtain higher sentences for this type of offending. Such sentences are a reflection of the growing appreciation of the seriousness of this type of offending, the frequency of it within our society, the repetitive nature of it and the effects on victims. Higher sentencing reflects society's need to deter this type of behaviour and mark an abhorrence of it. There is also a need for the education of society in general, to understand that this behaviour is not normal, it should not be tolerated, and if it does occur it will result in significant sentences.”

[40] In *Haughey* [2025] NICA 10 at para [32]:

“One way to protect vulnerable people from abusive behaviours is to have available high sentences designed to deter people from engaging in abuse.”

[41] These references from recent decisions in the Court of Appeal reflect the determination of the courts to deter and punish perpetrators of oppressive behaviour. Such behaviour the effect of which is documented in the victim impact statement in this case will attract exemplary sentences.

[42] There are no guideline cases in this jurisdiction nor in any equivalent jurisdictions in the United Kingdom. The legislature determined that the maximum sentence should be 14 years and will, in a general sense, inform the court as to the appropriate parameters.

Conclusions

[43] The defendant's conduct was over a period of eight years. This was a continuous campaign of deliberately humiliating treatment directed towards his spouse and mother of his children for no reason other than his own self-willed desire to dominate, his arrogance with a total disregard for her welfare and that of his children.

[44] He ensured that the victim became isolated from friends and family. This it is clear was a deliberate policy on his behalf.

[45] His controlling behaviour, as seems successfully concealed from others, as is often the case though the victim's brother did get an insight into the real Mr Jones when he saw some of the vulgar insulting texts and confronted him about their inappropriate nature to be faced with a drunk, aggressive and abusive man. He records, “I was stunned that a supposed educated, strongly religious person could behave like this and speak to his wife or anyone else in that manner”.

[46] The destruction of her property was a regular occurrence.

[47] The defendant has, it is submitted shown remorse. This is assessed as genuine by Dr Senevitatne. However, I note the defendant's attempts to “victim blame” in saying that she contributed to his mental problems in her opposition to his resigning his job thus enabling his pursuing a career in music tuition.

[48] I deem from the persistent nature of the conduct directed by the defendant towards the victim that there was a deliberate, not reckless intent to cause psychological harm to her. Given his intelligence there must have been a full awareness of the effect of his behaviour towards the victim.

[49] In mitigation, I take into account:

- (i) His plea of guilty.
- (ii) His clear record.
- (iii) The steps he has taken to address his acknowledged problems.
- (iv) All the matters raised in the comprehensive written submissions.

[50] The maximum sentence has been fixed at 14 years' imprisonment, the same as for non-fatal strangulation in which sentence of 36 months after plea was approbated in the case of *R v Haughey*. There is no equivalence between that and the present case. One criticism of the approach of the learned sentencing judge (in *WD*) was that the starting point was arbitrary. However, the court held that the starting point in a case of medium culpability was appropriate.

[51] There are two counts on the present bill, Count 1 covers the period between February 2022 and November 2024 after the passing into law of the Act and the other count of harassment to cover the preceding five and a half years. Count 3 carries a maximum sentence of two years. I have taken a totality view rather than for instance making sentences consecutive to reflect the gravity of the continuous course of conduct.

[52] In this case, I find that culpability is medium to high as is the harm. I take the starting point as 42 months.

[53] Count 1 has been charged with the statutory aggravator to reflect the presence of the children during many of the incidents. The complainant stated to police that she had covered for the defendant's behaviour as she was embarrassed and worried about the impact on the family. When she realised the impact on her wellbeing and that of the children she decided to report the matters to police in November 2024.

[54] Section 9 of the Act states

“Aggravation where relevant child is involved

9.—(1) It may be specified as an allegation alongside a charge of the domestic abuse offence against a person (“A”) that the offence is aggravated by reason of involving a relevant child.

(2) For the purposes of subsection (1), the domestic abuse offence is aggravated by reason of involving a relevant child if (any or all)—

(a) at any time in the commission of the offence —

- (i) A directed, or threatened to direct, behaviour at the child, or
 - (ii) A made use of the child in directing behaviour at B, or
- (b) the child saw or heard, or was present during, an incident of behaviour which A directed at B as part of the course of behaviour, or
- (c) a reasonable person would consider the course of behaviour, or an incident of A's behaviour that forms part of the course of behaviour, to be likely to adversely affect the child."

[55] I assess the aggravator at 12 months making a total of 54 months.

[56] I will allow full credit for the plea of guilty at one third.

[57] The sentence of the court on Count 1 therefore is one of three years' imprisonment, a determinate sentence under Article 8 of the 2008 Order half in custody and half on license. Count 3 - 11 months to run concurrently.

[58] Offender levy £50.