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Ref: **HAR8124**

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

Delivered **16/3/2011**

IN THE CROWN COURT IN NORTHERN IRELAND

**COLERAINE CROWN COURT
(SITTING AT BELFAST)**

THE QUEEN

v

HAZEL STEWART

HART J

[1] Hazel Stewart has been convicted of the murders in 1991 of her husband Trevor Buchanan and of Lesley Howell, the wife of her then lover and co-defendant Colin Howell. Stewart has been sentenced to life imprisonment, and it remains for the court to fix the minimum term which she must serve before she can be considered for release by the Parole Commissioners. Before turning to consider that I am obliged by virtue of the provisions of paragraph 25 of Sch. 1 to the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 to inform Stewart that the Independent Barring Board will include her in the barred list concerned for adults by virtue of her conviction.

[2] Under art. 5(2) of the Life Sentences (Northern Ireland) Order 2001 the minimum term to be served is the period 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.”

[3] In The Queen v McCandless & Ors [2004] NI 269 the Court of Appeal in Northern Ireland directed judges in this jurisdiction to apply the *Practice Statement* issued by Lord Woolf CJ in 2002 (reported at [2002] 3 All ER 417). The *Practice Statement* sets out the approach to be adopted in respect of adult offenders, and sets two starting points. The lower point is 12 years, and the higher starting point is 15/16 years imprisonment. In my earlier judgment

when passing sentence upon Colin Howell ([2010] NICC 48) I set out the terms of the relevant parts of the *Practice Statement* and it is unnecessary for me to do so again. In The Queen v Hamilton [2008] NICA 27 Kerr LCJ stated that “the touchstone in this jurisdiction for the fixing of minimum terms in life sentence cases remains the *Practice Statement*.” It is essential to bear in mind that the *Practice Statement* serves to provide guidance to judges who have to decide what the appropriate minimum term is in the circumstances of each case, and the court does not attempt to place a case in either of two rigidly defined categories. As Carswell LCJ observed in McCandless, 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”.

[4] By its verdict in this case the jury has accepted that Stewart and Howell “were in it together”, and her part in the dreadful events of the night which saw the murder of her husband and of Lesley Howell was not just that of a passive onlooker, but as an active participant, albeit to a lesser extent than Howell. The circumstances surrounding both murders have been extensively explored and described in the course of her trial, as well as being described in outline in my sentencing remarks when fixing the minimum term for Howell, and it is unnecessary to repeat them. It is sufficient to refer to the part she played in these events as seen from her admissions to the police during questioning:

(i) Before the murders were carried out she knew for some time of the nature of the plan that Howell proposed, but she did nothing beforehand to prevent the murders from being carried out.

(ii) She knew that she had to ensure that her husband was sedated, and she admitted that because of that she encouraged him to take a tablet that night when he said that he had difficulty in sleeping.

(iii) She knew that she had to open the garage door to let Howell in and she did so.

(iv) She then let him into her house and did virtually nothing to dissuade him from carrying out the murder of her husband, other than to say that she said not to do it to him at that time.

(v) She knew as he went to the room where her husband was sleeping that he had already murdered his wife and was now going to murder her husband, yet she did nothing whatever to prevent him from doing so.

(vi) Afterwards she provided Howell with clothes so that he could dress the body of her now lifeless husband.

(vii) She cut up and burnt the hose which he had used to kill her husband, and washed the covers from the bed, and did so in order to destroy evidence of these crimes.

(viii) Afterwards she concealed from the police what had happened, and participated in providing them with a false account given to her by Howell, designed to mislead the police and cover up their crimes.

[5] The *Practice Statement* provides that the higher starting point of 15 to 16 years “will apply to cases where the offender’s culpability was exceptionally high or the victim was in a particularly vulnerable position.” A further reason for adopting the higher starting point is where the offender committed multiple murders. In this case both victims were in an exceptionally vulnerable position as they lay asleep when they were murdered. Stewart’s culpability was exceptionally high because she knew in advance what Howell was going to do, and did nothing whatever to prevent the killings taking place. She could have told someone else, she could have told the police, and even after Lesley Howell had been murdered she could have prevented Howell from entering her house and killing her husband by any one of a number of actions, such as not opening the garage door to him, locking the door against him, waking her husband, ringing the police or alerting her neighbour to mention but a few. Whilst she knew Howell was murdering her husband in another room she waited and did nothing to save his life. Had she a spark of compassion for her husband even at that late stage she would have tried to prevent his murder.

[6] Mr Ramsay QC for Stewart accepted that the higher starting point applies, and I am satisfied that the higher starting point of 15/16 years applies in this case. In addition, there are a number of aggravating factors. The murders were planned in advance, Stewart helped destroy evidence of the crime by burning the hose and washing the covers, and she played a full part in concealing what had happened by lying to the police in her inquest statement and putting forward the story concocted by Howell. Finally, although the prosecution have accepted throughout that money was not the motive for these murders, like Howell she benefited financially from her husband’s death, though not to the same extent as he did.

[7] In McCandless Carswell LCJ emphasised that

“It is to be remembered that the figure of 15 or 16 years is only a starting point for the consideration of the court, and that having commenced from there its duty is to end up at a figure which

properly represents the minimum period for which the perpetrator of the crime should be detained before his release can be considered. In assessing the heinousness of the factors which bring the case into the higher bracket the court is not double counting, merely determining the seriousness of the crime.”

[8] I have been provided with Victim Impact Statements from Lesley Howell’s brother, from two of Howell’s children, and from several members of Trevor Buchanan’s family. These are in dignified and measured terms, and contain eloquent and deeply-moving accounts of their sense of loss, the different ways that loss has manifested itself to each of them over the years, and their feelings of betrayal at having been deceived for so many years. I repeat what I said when I sentenced Howell about the grave effect these murders have had in so many ways on so many people from three generations, parents, brothers and sisters, and children.

“Lesley Howell and Trevor Buchanan each had close family who were naturally devastated by these deaths, and who have had to live for many years with the belief that they had taken their own lives. Not only were their children deprived of the love and companionship of their respective parents throughout their childhood, but their brothers and sisters also suffered grievous loss. I have been provided with victim impact statements from two of Howell’s children, from Lesley Howell’s brother, and from members of Trevor Buchanan’s family. These are deeply moving and dignified accounts of the effects of the deaths of Lesley Howell and Trevor Buchanan on so many people. It is particularly poignant to read the descriptions of the effect of the death of their son on Trevor Buchanan’s elderly parents, whose remaining years were blighted by the severe effect of their son’s death upon them. It is apparent from what each has described in their statements that many lives have been gravely affected for many years by these murders. “

[9] When considering the appropriate minimum term to be imposed in the case of Hazel Stewart, I must emphasise two further matters. The first is that throughout these proceedings, and again during his evidence at the trial, Howell accepted that he was the person who conceived and developed the plan to murder his wife and Trevor Buchanan. As he put it at the trial “I was

the mastermind behind the plot and the plan, I was the one who had the intelligence to put the plan together". He bears the prime responsibility for these crimes, and his sentence had to reflect that. As Mr Murphy QC for the prosecution rightly conceded in his submissions, Stewart was a secondary party and the perpetrator was Colin Howell, and so she is entitled to some reduction in sentence compared to his because it was he who planned and carried out both murders, and persuaded her to take part. Nevertheless, her responsibility for what happened was very substantial, and the minimum term must reflect that.

[10] Secondly, Howell confessed his crimes to others, and that led to his arrest. He then repeated his confession to the police, and pleaded guilty to these murders. Had he not confessed neither he nor Stewart would ever have been brought to justice for these crimes. He also indicated his willingness to give evidence for the prosecution, and he did so. When fixing the minimum term for Howell I reduced it from 28 years to 21 years to reflect his confession, his plea of guilty and his willingness to give evidence for the prosecution. Hazel Stewart cannot claim any such reduction in the minimum term to be imposed in her case because she pleaded not guilty. That does not mean that she is to be treated more severely than she otherwise deserves for having pleaded not guilty, but it does mean that she cannot receive the credit which the law gives to those who admit their guilt and who plead guilty, credit which results in a reduction of sentence, as happened in Howell's case.

[11] Her plea of not guilty is also relevant when I come to consider whether she has shown any remorse for her part in these events. When questioned by the police throughout many interviews she persisted in attempting to evade responsibility for what happened, despite the obvious weaknesses in her accounts being pointed out to her, and she repeatedly lied to the police. It was only when confronted with the evidence of the Temazepam found in her husband's blood during the autopsy that she started to give a more truthful account of what she knew was going to happen and what she had done. In her police interviews she expressed sorrow and regret at the effect of her part in these events upon herself, upon her children and upon her present husband. It is noteworthy that throughout her police interviews she said far more about the effect of these events on herself, her children and her present husband than she did about the effects of the murders on all the others whose lives had been ended and blighted by these events. I consider that she has expressed little real remorse for what she did, rather the sorrow and regret which she expressed to the police was largely because of the situation in which she found herself, and not for the events in which she played her part.

[12] At the time of these events she was 28, had been married for 10 years and had two children. Lisa was born in 1982 and Andrew was born in 1983. I accept that she was infatuated with Howell who was undoubtedly a charismatic, manipulative, hypocritical man with a very considerable sexual

appetite. A number of witnesses described her as being a quiet person at that time, and Pastor Hansford said that when he counselled her after the adulterous affair was exposed, he felt that she was out of her depth. It is also significant that Trevor McCauley and Linda Brockbank said that she told them that she really loved Colin Howell. She also told Pastor Hansford that she found Trevor Buchanan "a very ordinary guy", and that she wished that he had been something of a more exciting husband. I believe that she was initially attracted to Howell because he offered that excitement she felt her marriage lacked. She then fell in love with him, and was driven by that love, and by intense sexual desire, to allow herself to be persuaded by Howell to play her part in these dreadful crimes, despite her fear that they would be caught, a part which she then concealed for many years. Despite her protestations to the police that she was controlled by Howell, his unchallenged evidence during the trial was that they continued their clandestine and highly active sexual relationship for several years after the murders, and even after she refused to marry him and they decided to end their relationship Stewart tried to persuade him to have sex.

[13] I have also been provided with statements from her children Andrew and Lisa, and her husband, in which they ask the court to show her leniency, and to take into account the effect upon them of a lengthy period of imprisonment. As Mr Ramsay said, it is a highly unusual, if not unique, feature of this case that Stewart's children and husband are standing by her. If nothing else, that shows that there is another side to Hazel Stewart's character, one also testified to by several responsible members of the company for which she worked for several years after the murders. They say

"We are as shocked as others by the events of 1991 and this letter should not be construed as any attempt to exonerate Hazel but we feel that Hazel has had very little positive representation and we are anxious for the Court to be aware of how those who have spent every day for many years with Hazel have thought and still think of her. From our daily dealings and close friendship with Hazel we can say that the Hazel who has been portrayed as a manipulative, unfeeling, selfish, amoral, devious and wicked woman bears no resemblance whatsoever to the Hazel we have come to love and respect."

Tragically the consequences for Stewart's children and her husband are part of the legacy of the conduct of both herself and Howell. Those factors, and the fact that she has a clear record, cannot carry great weight when placed in the balance when fixing the minimum term for such grave crimes, but I give them, and the positive side to her character spoken in the passage just quoted, such weight as I can.

[14] Taking all of the factors to which I referred into account I consider that the minimum term that Stewart should serve before she can be considered for release is one of eighteen years imprisonment.