

IN THE CROWN COURT IN NORTHERN IRELAND
BELFAST CROWN COURT

THE QUEEN

v

L MAWHINNEY

HART J

[1] The defendant, who was born on 5 March 1984, has been found not guilty but insane on a charge of wounding Stephen Hayes with intent to do him grievous bodily on 21 September 2007 and is now before the court to be sentenced. The circumstances relating to the events of 21 September, and the defendant's psychiatric condition, are not in dispute and a statement of agreed facts was placed before the jury, who also heard the evidence of Dr Loughrey and had read to them the reports of Dr Bunn.

[2] The account I give of these events and of the defendant's psychiatric history is based upon that statement of agreed facts and the reports of Dr Loughrey and Dr Bunn.

[3] On Friday 21 September 2007 Stephen Hayes, who was an employee at a call centre in Belfast, was attending a training session, and the defendant was also attending that training session. At about 2.00pm Mr Hayes got into a lift to go to the ground floor for a smoke break, and just as the lift doors were closing the defendant got into the lift, and took up a position very close to Mr Hayes. Mr Hayes and the defendant were the only occupants of the lift.

[4] As soon as the doors had closed without any warning the defendant raised his right hand and stabbed Mr Hayes twice in the neck. Mr Hayes defended himself by kicking the defendant and placing him in a headlock. The defendant nevertheless managed to stab Mr Hayes again, this time on the back of the neck.

[5] The lift stopped at the second floor and Mr Hayes was able to summon help from two men who were in the corridor, the defendant was disarmed by them and other employees and the police were called.

[6] As a result of this incident Mr Hayes received three wounds, each requiring three stitches. He was taken to the Emergency Department of the Royal Victoria Hospital where he was seen by Dr Allen. Dr Allen found that he had three wounds, two of which he described as superficial. The first was to the left of the mid line at the back of Mr Hayes upper neck and measured about 3cm in length. The second was around 1cm in length and was located on the left side of the neck. Both of these were described as superficial. The third wound was located on the left side of the neck and measured about 1cm in length, and was the deepest of the three wounds, breaching the platysma muscle. Although there was no sign of major vascular or neurological injury, because the third wound had breached this platysma muscle he was seen by Mr Khosraviani, a consultant surgeon. He confirmed Dr Allen's diagnosis.

[7] The defendant was questioned by the police and it became apparent that he was behaving in a very strange fashion, and in due course he was admitted to a psychiatric hospital. He has been remanded in various psychiatric hospitals until the present day. Dr Bunn has been treating him since the defendant was admitted to the Shannon Clinic at Knockbracken Hospital. Dr Loughrey examined him on behalf of the prosecution.

[8] The defendant was brought up in Lisburn and went to school in Belfast where he did extremely well academically, as a result of which he gained a place at Oxford University where he studied Modern Languages. However it appears that an early stage he started to develop delusions that he had been approached to join MI5, and he later recounted how he was indoctrinated by MI5 when he spent time in Provence in France, apparently sometime during 2005.

[9] In any event it seems that by late 2005 he was seen by Dr Christine Kennedy because of concerns about his mental health, at that time the defendant had been arrested for burglary and was in custody in Maghaberry. By the end of 2005 he was talking a lot about the Secret Service and telling his mother that she was not his mother and that he had been swapped at birth.

[10] He was released at some time after that because by March 2006 he had returned to Oxford where he was admitted to the Warneford Psychiatric Hospital. He was discharged from that hospital in June 2006. Thereafter he worked for a while in Berlin, although he had been due to start at Sandhurst having been an army scholar at university, but he had been discharged from the army on medical grounds. After spending some months in Berlin he

joined the French Foreign Legion for a few weeks, but was able to leave, or was discharged, and returned to Northern Ireland in July 2007.

[11] The defendant described how he believed that he had been instructed to find a specific individual by MI6 and when he saw Stephen Hayes he believed that Mr Hayes was the man he had been instructed to find. The defendant then got a job at the call centre where Hayes worked. He claimed by the end of his induction week he had decided that he had to complete his "mission", and attacked Mr Hayes because he had to "deter" him.

[12] As a result of this the defendant attacked Mr Hayes in the fashion already described. It is clear from the medical reports that the defendant has misused Cannabis, Cocaine and Amphetamines in the past, but both Dr Loughrey and Dr Bunn agree that at the time the defendant attacked Mr Hayes he was acting under delusions because he suffers from Paranoid Schizophrenia, and as such his mental responsibility for his actions was affected by his Paranoid Schizophrenia. This is another way of saying that the defendant was legally insane at the time he attacked Mr Hayes, and at that time was acting under the delusion that he was by now an MI6 agent and had been ordered to attack the unfortunate Mr Hayes.

[13] There is no doubt that the defendant has suffered from Paranoid Schizophrenia from at least 2006. Not only that, although it is equally clear that whilst he is presently fit to plead, and is receiving appropriate anti-psychotic medication, nevertheless there is considerable reason to be concerned as to whether or not the medication will result in a significant improvement in his condition. Dr Loughrey has also recorded concerns that the defendant does not comply with his medication. At page 5 of his report Dr Loughrey states:

"He also expressed the belief that he had a diamond in his stomach.

It is noted that he had been tried on Risperidone 10mgs daily and Olanzapine 20mgs daily, and that, 'neither of these had made any discernable difference to his mental state'. He was therefore commenced on Chlorpromazine.

At various times during his admission he has described various other grandiose delusions, including having killed people. He has changed his name from Mawhinney to Ross.

He has spoken in sexually disinhibited terms to female members of staff, although there have been no sexual assaults.

His compliance with medication has been observed to be poor. He has been closely watched in relation to this, but at times he has tried to hide tablets that staff have attempted to administer to him."

[14] Dr Loughrey concludes:

"It seems clear, from the medical notes and records and from the evaluation made by me, that this man has shown a limited response to medication. Further, his compliance with medication remains in doubt, and I think there would be a significant doubt about his compliance with medication upon discharge, unless this was strictly monitored and, within reason, enforced."

[15] This is a sad and tragic case, particularly for Mr Hayes who was attacked and subjected to an extremely frightening experience. I have not been provided with a victim impact report upon Mr Hayes, but Mr Magill (who appears for the prosecution) told me that Mr Hayes was in court last Friday but left before the plea was heard. Before he left he informed Mr Magill that he is afraid when he is in public areas, and I can well imagine that an experience of this type could well leave such feelings. However, in the absence of medical evidence as to the effect of this experience upon Mr Hayes, I must not assume that he has been more severely affected, or that he will not in due course make a full recovery from this frightening experience.

[16] It is also a tragic case for this young man. Despite his drug and alcohol abuse referred to in the medical reports, Dr Bunn and Dr Loughrey appear to be agreed that the development of Paranoid Schizophrenia and the associated delusions were not drug or alcohol induced. This is a young man of outstanding ability whose life has been blighted by the development of this psychiatric condition, and unfortunately it appears to be the position that it is not wholly safe to release him from a psychiatric hospital at the present time.

[17] Given the continuing nature of his Paranoid Schizophrenia, and the danger I believe he poses to others at the present time because of his reluctance to take his medication, I consider that the appropriate form of order to make in his case is that he should be subject to a hospital order without limit of time as provided for by Article 50A(3)(b) of the Mental Health (NI) Order 1986, and Mr Ramsey QC (who appears for the defendant

with Mr Hunt) accepted that he could not strongly challenge such an order. That does not of course mean that he is necessarily going to be retained in a psychiatric institution for the remainder of his life, only that it is not possible to predict at the present time when it would be safe to release him and that decision must ultimately be one which can only be made on the basis of a lengthy period of psychiatric observation and consideration by the relevant specialists and when they are satisfied that he can be relied upon to take his medication. I therefore sentence him to a hospital order without limit of time.