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

Delivered: 25.04.2012

IN THE CROWN COURT IN NORTHERN IRELAND

—————  
THE QUEEN

-v-

GERARD O'KANE  
—————

Bill No. 12/005032  
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**WEIR J**

[1] Gerard O'Kane, you have pleaded guilty to the murder of your wife, Anne Marie O'Kane on 23 May 2011 and I have previously imposed upon you the only sentence for that offence permitted by law, namely life imprisonment.

[2] It is now my responsibility, in accordance with the provisions of Article 5 of the Life Sentences (NI) Order 2001, to determine the minimum term that you will be required to serve before you will first become eligible to have your case considered as to whether, and if so when, you are to be released on licence. I make it clear however that if and when in the future you are released on licence you will for the rest of your life be liable to be recalled to prison if at any time you do not comply with the terms of your licence.

[3] I wish further to make it clear to you and to the public that a minimum term is exactly that; it does not attract remission as a sentence of imprisonment would where a prisoner has been of good behaviour. You will receive no remission for any part of the minimum term that I shall now impose and will be required to serve every day of it. I hope that, should the media report my decision, they will make that position clear to the public.

[4] The circumstances of this dreadful murder have been outlined to the court in considerable detail by Mr Mooney QC for the prosecution whose approach to the facts was rightly acknowledged by your counsel, Mr Magee SC, to have been fair and measured. For the purposes of this judgment I therefore merely summarise those facts as augmented by the helpful pre-sentence report of the Probation Board which I have studied with care.

[5] On 23 May 2011 at just before 10.00 am you arrived in your car at Glengormley Police Station where you informed the security guard that you had murdered your wife. You repeated this to police who came to the gate and upon their obtaining details of your wife's address they quickly ascertained that she was as you had said dead at her home at the nearby Northview Apartments with obvious stab wounds to her body. You told police that you had stabbed and strangled her.

[6] In the course of interviews you gave an account of having gone to the apartment for the purpose of talking to your wife, to see if things were over between you and if it was time to move on. Significantly however, and I shall return to this later, you brought with you two kitchen knives, one of which you say you left in the car, and a rubber mallet the handle of which you had shortened so that you could hide it in your hand. You claimed to police that your intention was not to hurt your wife but rather to frighten her so that she would tell you what had gone wrong between you but that "it all went horribly wrong". It seems that you did not ring your wife's bell but waited until someone leaving the block at about 7.30 am let you in. You then took up position outside her apartment and did not knock but waited until your wife opened her door on her way to work when you pushed your way in. When your wife resisted you struck her several times with the mallet causing her to bleed and go down onto her knees in the hall. At some point in what seems to have been protracted events your wife received wounds to her hands and arms consistent with attempting to ward off knife blows. According to you, and there is obviously no independent account of what happened in the apartment, you had a "nice conversation" with your wife before becoming enraged when you saw the content of texts on your wife's mobile phone which you took from the handbag that she had dropped during the struggle in the hall. You then took a knife from a block in the kitchen and stabbed her with it a number of times. According to you you then put your wife's arms down by her side, kissed her and left to turn yourself in to the police. You made no attempt to summon assistance and you claim that it never occurred to you. What you did do was to clean the knife you had used in the stabbing and return it to the block. You left carrying the mallet and the knife which you had brought with you which had become broken in the course of these events. You then drove away, stopping to throw the weapons into bushes on your way to the police station.

[7] The pathologist, Dr Lyness, found that your wife had been stabbed multiple times, partially strangled and struck a number of times on the head. Her death was due to stab wounds on the front of the chest and abdomen which caused her to bleed to death. In all there were eight stab wounds to the body and a series of incised wounds across the palms of the fingers of the left hand consistent with your wife having grasped a bladed weapon such as a knife which, according to Dr Lyness, were typical of defensive-type injuries. There were bruises on the back of the right forearm and four lacerations on the right side of the top of the scalp due to blunt trauma such as the mallet would have inflicted. Bruising and a laceration to the scalp were consistent with your wife having struck her head in a fall and numerous minor bruises and abrasions on her body were consistent either with falling or

collapsing or, in some cases, possible blunt force trauma. Finally, your wife's neck had been compressed while she was alive causing bruising to her neck and the underlying muscles and fractures to both sides of the voice box. All in all it is clear that she suffered at your hands a series of very violent multiple assaults in at least two locations within the apartment by knife, mallet and compression of the neck.

[8] As your counsel has appositely put it in the course of his sensitively-expressed submissions on your behalf, prior to your separation from each other, the lives of you and your wife might have appeared a paradigm of success and happiness. You met when you were quite young and married in 1982 while you were still an undergraduate and from then you worked together to build a successful life together. With the support of your wife, who was a significant contributor to the family income while your studies continued, you ultimately obtained a Ph.D. Thereafter you developed a successful career, moving with your family of two sons firstly to England, then to Cork and finally back to Northern Ireland as your career developed. You had all the material benefits that qualifications and hard work can bring and, so far as anyone looking into a marriage from the outside can ever judge, appeared to be a close and contented couple.

[9] However there were clearly strains within the marriage and whether these pre-dated or were wholly or partly the result of the fact that your wife began to form a friendship with another man in around 2009 it is not possible, nor perhaps relevant, to now seek to ascertain. In any event you left the matrimonial home in 2009 although you did maintain contact with your wife and went back to stay in the matrimonial home in June 2010 following a leg injury that you had sustained. It appears that you entertained the hope that relations between you could return to their previous happy state but your wife was not of the same mind and around February 2011 she left the home having obtained her own apartment.

[10] From that point until you murdered her some months later you appear to have become pre-occupied with your wife's decision to leave you in favour of another relationship. You spied upon her apartment to see whether the other man was visiting and discussed your situation with others including your father-in-law. In the weeks immediately before the killing you were described by a family friend with whom you played golf as having suffered fluctuating moods - sometimes angry, sometimes tearful and sometimes okay. On 16 May you and the friend had a conversation while at a driving range in which you said that you could kill your wife and her male friend and then you said you could not. On 18 May you had a further conversation with the same friend in which you said that you felt your wife and her friend were laughing at you and again, on 20 May, while again at golf you were angry and tearful and said that you "could do 30 years and sit in a cell reading books" and then "Why should I? Why should I give in and do this?". You then said you were only joking. On the Sunday evening, 22 May, the friend went to your home following an emotional phone call from you. You said that you felt betrayed by your wife's father whom you had expected to side with you over your wife's new relationship and you were tearful and upset, declaring that your wife had "won".

[11] Mr Magee has urged me to accept that, as you told the police, your purpose in going to the apartment was to frighten your wife into telling you in detail what had been going on and to find out whether your relationship with her was finished and that the murderous attack on her was only prompted by seeing the texts on her mobile phone. I am quite unable to accept that proposition for a number of reasons of which the following are examples:

- (1) You had discussed the possibility of killing your wife.
- (2) You modified the mallet so that it could be concealed in your hand and went to the flat bringing it and a knife with you.
- (3) You made your way into your wife's apartment block and did not ring her intercom but lay in wait for her to open her hall door.
- (4) You pushed your way into the flat against her will and struck her, probably repeatedly, with a mallet causing her to fall to the ground bleeding.
- (5) According to the forensic scientists she was cut at least once in the hall before, according to your version, any text message had been sent as you claim you were by then with your wife in the living room when the phone was heard ringing in her handbag in the hall.
- (6) Neighbours heard angry voices and screams coming from the apartment which is not consistent with your version of a "nice conversation".
- (7) When at some point in your attack the knife you had brought broke you fetched a replacement from the knife block in the kitchen and inflicted further stab wounds.
- (8) You made no attempt to get medical help for your wife at any stage and ultimately did some cleaning up and left the flat to drive to the police station.

[12] I am satisfied that over some period, probably of days, you weighed up the pros and cons of killing your wife and ultimately, overcome by self-pity and jealousy at her new relationship, you laid a methodical plan to surprise her, force your way into her flat, subdue her with the mallet and stab her. You learned nothing new from the telephone messages that you did not already well know about your wife's friendship.

[13] It is a common feature of life that relationships are not static but alter and sometimes fail. Many thousands of couples part each year and in most cases they

manage to deal with the hurt and distress that results from the failure of their relationship. However it is the too frequent experience of the family and criminal courts that in a not insignificant proportion of cases one of the parties is unwilling or unable to accept the reality of the altered situation or is consumed by jealousy, self-pity or both and feels entitled to assert some imagined proprietorial right over the other party. There are no such rights – you had no right to control your wife’s actions, no right to enquire into her new friendship, no right to push your way into her home or to inflict any of those dreadful injuries upon her. As a result you have cruelly extinguished the life of a woman with many good years ahead of her and who was much loved by her family and friends as their restrained and dignified victim impact statements to the court make clear. The harm that you have done, the pain that you have caused, the suffering that many, including yourself, are now condemned to endure is all due to your destructive self-pitying jealousy. The murder of your wife was wholly without reason or any shred of justification.

[14] It is said on your behalf that you have suffered remorse. I see little sign of it. The probation officer says that throughout the interviews leading to her report you were keen to present yourself as remorseful and accepting of responsibility and she expresses the view that on an emotional level you appear to be reaching a fuller awareness of the enormity of your actions. Mr Magee has referred me to a dictum of that most experienced criminal judge, MacDermott LJ, in R v Connolly [1994] NIJB 226 at 277g as follows:

“It has long been established that where an accused pleads guilty the sentencer should recognise that fact by imposing a lesser sentence than would otherwise be appropriate to reflect the fact that the plea is an *indication of remorse*, has led to a saving time and has inconvenienced witnesses who would otherwise would have had to attend the court.” (emphasis supplied)

I confess to finding some difficulty with the automatic linking of an early plea of guilty to a presumption of remorse although in deference to its expression by the Court of Appeal I feel obliged to give weight to it. My own view is that much of your remorse is likely to be attributable to continuing pity at this stage for the predicament that you have placed yourself in by your actions.

[15] The approach that I follow in assessing the minimum term that you must serve before being eligible to be considered for release was prescribed by the Court of Appeal in R v McCandless and Others [2004] NICA 1. It involves the application of the guidelines contained in the English Practice Statement reported at [2002] 3 All ER 412.

[16] In the first place I have concluded, in agreement with both counsel, that the correct starting position is the higher starting point of 15 or 16 years. The following factors attract that higher starting point:

- (1) The victim was a vulnerable and defenceless woman taken by surprise and attacked in her own home.
- (2) The murder was premeditated and planned and the murderer went specifically equipped with an adapted weapon to carry out his purpose.
- (3) The victim was subjected to repeated and prolonged attacks causing her multiple injuries of three different types.

I therefore consider that a significant upward adjustment of the starting point is appropriate to take account of the fact that there is more than one aggravating factor while taking care not to “double count” the factors that led to the adoption of the higher starting point.

[17] By way of mitigation I take account of the following factors:

- (1) Your plea of guilty which the prosecution accepts was made at the earliest point possible. It is sometimes said that where an accused has really no answer to a case as in this situation he should receive less than full discount for an early plea. I do not consider that that should be so. It seems to me rather that the purpose of giving such credit is to encourage those who are guilty to plead at the earliest opportunity and that the strength of the prosecution case should not, in itself, be regarded as a reason for reducing the discount otherwise appropriate for a prompt plea of guilty. It would be difficult if not impossible to conceive of an earlier indication of guilt than was given in the present case. I have therefore substantially reduced on that account the minimum term that I would have otherwise imposed.
- (2) Your previously blameless life of hard work and complete freedom from any previous convictions.
- (3) The inference of remorse that, as earlier discussed, the Court of Appeal has said is to be drawn from an early plea coupled with such expressions of remorse as you have made to the probation officer and through your counsel to the court.
- (4) The efforts that I have been told you are now making to help fellow prisoners who do not have your intellectual and educational advantages.

[18] Having regard to all the foregoing matters I have concluded that the appropriate period that you must serve before you will be eligible to be considered for release is one of fourteen years.