

IN THE CROWN COURT IN NORTHERN IRELAND

THE QUEEN

v

PHILIP JOSEPH BLANEY

COGHLIN J

[1] Philip Joseph Blaney you have been convicted of participation in two pipe bomb attacks upon dwelling houses in the Westland Estate Portadown on 5 June 1999 together with possession of a Magnum handgun on a date unknown between 31 December 1997 and 1 December 1999 with intent to endanger life or to cause serious injury to property or to enable some other person or persons to do so. As a result of one of the pipe bomb attacks Mary Elizabeth O'Neill lost her life and, as a consequence, you have been convicted of manslaughter. The relevant circumstances of the two attacks have been set out in the judgment which I have delivered.

[2] I am entirely satisfied that these offences are so serious that only a custodial sentence can be justified. They were serious terrorist crimes committed by you in association with members of a terrorist organisation, namely, the LVF and, consequently, I do not consider that this is an appropriate case for a Custody Probation Order in accordance with Article 24 of the Criminal Justice (Northern Ireland) Order 1996.

[3] In his careful and well marshalled address your counsel has asked that I should take into account a number of factors which are as follows:

(1) In charging you with manslaughter the Crown have accepted that you had no intent to kill Mrs O'Neill or to cause her grievous bodily harm and the series of admissions upon which your conviction has been based indicate that your participation was relatively peripheral in so far as you kept watch while the second, non-fatal, attack was being carried out. On the other hand, these were planned attacks involving the use of explosives carried out by a paramilitary

gang for purely sectarian purposes in so far as they were directed against families of "mixed" religion with a view to driving them out of this estate. It is difficult to conceive of more cowardly, bigoted or despicable activity and deterrence must play a significant role in your sentence.

(2) It is right to record that your admissions were made more than three years ago and that you have spent the intervening period, partially on bail and partially in custody, uncertain as to your ultimate fate. As I have already noted the admissions which you made were the basis for your convictions and, during the course of your trial, very considerable and worthwhile efforts were made upon your behalf to expedite the proceedings in the interests of savings to both court time and public expense.

(3) During the course of your trial the reports and the evidence submitted by the various medical experts confirmed that you have a limited intellectual and verbal ability with an attainment in basic literacy the equivalent of a 7 year old. You have shown a tendency to misuse alcohol and I note that in 1998 you had two convictions for driving when unfit through drink or drugs and failing to provide specimens. On the other hand I am quite satisfied that you knew that the activity in which you were participating was wrong and I note that your criminal record also contains convictions for wounding with intent and grievous bodily harm in relation to which you received, respectively, sentences of 4 years and 5 years imprisonment.

[3] I have taken all of these factors into account and, having done so I sentence you as follows:

- (1) Count 1 - 12 years imprisonment
- Counts 2, 3 and 4 - 10 years imprisonment on each count
- Count 10 - 8 years imprisonment

All sentences to run concurrently