

IN THE CROWN COURT IN NORTHERN IRELAND

ANTRIM CROWN COURT SITTING AT BELFAST

THE QUEEN

-v-

RYAN PATRICK MARTIN McLAUGHLIN

TREACY J

[1] Ryan Patrick Martin McLaughlin on the first day of your trial (28 April 2008) you were re-arraigned and pleaded guilty to the murder of Stanley John Andrews on 15 September 2006.

[2] In accordance with the provisions of Article 5 of the Life Sentences (Northern Ireland) Order 2001 ("the 2001 Order") I must now determine the minimum term that you will be required to serve before you will first become eligible to have your case referred to the Life Sentence Review Commissioners ("LSRC") for consideration by them as to whether and, if so, when you are to be released on licence. If you are in the future released on licence you will for the remainder of your life be liable to be recalled to prison if at any time you do not comply with the terms of that licence.

[3] The minimum term is the actual term you must serve before becoming eligible to have your case referred to the LSRC. You will receive no remission for any part of your minimum term that I shall impose.

Background

[4] The scene of your wicked crime was Alveston House in Ballymena. This facility is run by the Simon Community and offers help and shelter to people who have been made homeless for whatever reason.

[5] Though previously complete strangers to each other pure chance had brought the defendant and the deceased together some days previously in

Alveston House when they were both accommodated in a two bed unit which had a communal front door and hallway – flats 1 and 2.

[6] There was nothing that foreshadowed the dreadful fate that was to befall the deceased on the afternoon of Friday 15 September 2006. But on that afternoon staff heard loud thuds coming from inside flats 1 and 2. Support workers based at Alveston went to investigate. Still hearing thuds coming from inside the flat one of the support workers bent down and looked through the letterbox. The deceased was lying face down in the hall with his feet towards the door. The defendant was standing up at his head. He had his left hand on the left wall and his right hand on the right wall and he was using his right leg to stamp on the deceased's head. There was blood everywhere - all over the floor and walls. The defendant turned and looked down the hall in the direction of the witness looking through the letterbox who then, in fear, stepped back from the door. The defendant came towards the door opened the letterbox from the inside and said "He he'll not say anything bad to me again".

[7] Police entered the scene and found the body of the deceased and a bloodied TV nearby. The deceased was pronounced dead at the scene. Death was due to head injuries the severity of which is evident from the pathologist's report and the photographs. These injuries would have caused his rapid death. They were caused by a television set having been dropped, at least several times, on his head. There were other injuries to the neck which were consistent with the deceased having been kicked or stamped upon.

[8] The deceased was a middle aged man of slight build and at the time of his death there was no alcohol in his body. Joanne Connolly who works as a housing support officer at Alveston House in Ballymena knew the deceased who she described as having a "soft nature".

[9] This is confirmed in the moving statement of his brother Kenneth Andrews which was made on 27 May 2008 and which is in the following terms:

"My brother Stanley was murdered on 15th September 2006 and I want to try and explain the effect that this has had on me and other members of my family. Some may try and judge Stanley because of the type of life he led, he had a drink problem and was transient, moving from hostel to hostel. No one in our family judged him, he had a problem with drink but it didn't change the fact that he was still a brother and a son. Stanley would come in and out of all our lives but when he came in the door was always

open. If Stanley needed help he got help, perhaps because he came in and out people seemed to dote on him. Stanley was able to fend for himself but he was a timid, harmless man who whatever his demons was always respectful and polite and for this reason people wanted to help him. It is perhaps for this reason hard to accept that Stanley was killed in such a brutal way. No one deserves to die in the way he did especially not someone as gentle and timid as Stanley. Personally that is one of the things I have found hard to deal with. I wasn't allowed to identify him because of the extent of his injuries. That will always live with me the fact that I never got to see him and imagining what he had to suffer. The nature of Stanley's death has affected my sleep and caused massive stress to other family members. It was like my father changed overnight. My dad worked the ice-cream van for fifty years but hasn't worked since. Stanley's death just seemed to change him totally. I think it is telling what my dad put in the book of remembrance at the funeral home 'I'm sorry son I wasn't there'. My dad lives for his children and the fact that one of his sons suffered such a violent death made him feel guilty that he wasn't there to protect him because he always has been. It is natural for a father to want to protect his children and I think my dad feels a failure because he wasn't there to protect Stanley. My mum is now terminally ill with cancer, this cancer was diagnosed in August 2007. I have no doubt that the cancer came about because of the stress of losing Stanley in such a sudden and brutal way. My mum has always struggled to accept what has happened and to this day has never been to Stanley's grave and now never will due to the graveness of her illness. My sister Janet was probably the one who was closest to Stanley. She always saw him as her younger brother and was probably the sibling Stanley was closest to. When he came to stay he always stayed at her house. Janet cannot accept Stanley's death and it has had a huge affect on her personality and her personal life. Wherever he went Stanley was loved due to the type of person he was. This is what makes the way he died so hard to come to terms with. When someone in your family is murdered there are different hurdles to overcome, someone charged, court cases, not guilty pleas, trials and I only hope with Stanley's murderer

being sentenced that it will be a trigger for me and my family to try and move on. It will always be hard to accept that something so violent and brutal happened to my gentle brother.”

[10] The defendant was arrested at the scene and subsequently interviewed. He offered no explanation for the murder to the police or to any of the many professionals who examined him for the purposes of this trial. To those who examined him he claimed an absence of recollection. The Crown in my view rightly rejected that suggestion. The defendant pleaded guilty and his counsel did not have any instructions which would have permitted him to shed any direct light on what may have triggered such an outburst of murderous ferocity.

[11] I have been referred to the Practice Statement issued by Lord Woolf CJ on 31 May 2002 adopted in R v McCandless and Others. The Practice Statement sets out the approach to be adopted in respect of adult offenders in paragraphs 10-19 which are in the following terms:

“The normal starting point of 21 years

10. Cases falling within this starting point will normally involve the killing of an adult victim, arising from a quarrel or loss of temper between two people known to each other. It will not have the characteristics referred to in para 12. Exceptionally, the starting point may be reduced because of the sort of circumstances described in the next paragraph.

11. The normal starting point can be reduced because the murder is one where the offender’s culpability is significantly reduced, for example, because: (a) the case came close to the borderline between murder and manslaughter; or (b) the offender suffered from mental disorder, or from a mental disability which lowered the degree of his criminal responsibility for the killing, although not affording a defence of diminished responsibility; or (c) the offender was provoked (in a non-technical sense), such as by prolonged and eventually unsupportable stress; or (d) the case involved an overreaction in self-defence; or (e) the offence was a mercy killing. These factors could justify a reduction to eight/nine years (equivalent to 16/18 years).

The higher starting point of 15/16 years

12. The higher starting point will apply to cases where the offender's culpability was exceptionally high or the victim was in a particularly vulnerable position. Such cases will be characterised by a feature which makes the crime especially serious, such as: (a) the killing was 'professional' or a contract killing; (b) the killing was politically motivated; (c) the killing was done for gain (in the course of a burglary, robbery etc.); (d) the killing was intended to defeat the ends of justice (as in the killing of a witness or potential witness); (e) the victim was providing a public service; (f) the victim was a child or was otherwise vulnerable; (g) the killing was racially aggravated; (h) the victim was deliberately targeted because of his or her religion or sexual orientation; (i) there was evidence of sadism, gratuitous violence or sexual maltreatment, humiliation or degradation of the victim before the killing; (j) extensive and/or multiple injuries were inflicted on the victim before death; (k) the offender committed multiple murders.

Variation of the starting point

13. Whichever starting point is selected in a particular case, it may be appropriate for the trial judge to vary the starting point upwards or downwards, to take account of aggravating or mitigating factors, which relate to either the offence or the offender, in the particular case.

14. Aggravating factors relating to the offence can include: (a) the fact that the killing was planned; (b) the use of a firearm; (c) arming with a weapon in advance; (d) concealment of the body, destruction of the crime scene and/or dismemberment of the body; (e) particularly in domestic violence cases, the fact that the murder was the culmination of cruel and violent behaviour by the offender over a period of time.

15. Aggravating factors relating to the offender will include the offender's previous record and failures to respond to previous sentences, to the extent that this is relevant to culpability rather than to risk.

16. Mitigating factors relating to the offence will include: (a) an intention to cause grievous bodily harm, rather than to kill; (b) spontaneity and lack of pre-meditation.

17. Mitigating factors relating to the offender may include: (a) the offender's age; (b) clear evidence of remorse or contrition; (c) a timely plea of guilty.

Very serious cases

18. A substantial upward adjustment may be appropriate in the most serious cases, for example, those involving a substantial number of murders, or if there are several factors identified as attracting the higher starting point present. In suitable cases, the result might even be a minimum term of 30 years (equivalent to 60 years) which would offer little or no hope of the offender's eventual release. In cases of exceptional gravity, the judge, rather than setting a whole life minimum term, can state that there is no minimum period which could properly be set in that particular case.

19. Among the categories of case referred to in para 12, some offences may be especially grave. These include cases in which the victim was performing his duties as a prison officer at the time of the crime or the offence was a terrorist or sexual or sadistic murder or involved a young child. In such a case, a term of 20 years and upwards could be appropriate."

[12] In order for a case to fall within the paragraph 10 ("normal starting point") it must not have the characteristics referred to in paragraph 12. I will approach the case on the basis that the normal starting point should apply in this case.

[13] The defendant and the deceased, whilst strangers to each other had known each other over a number of days whilst residing together in the two bedroom unit in Alveston House. There was no indication of animosity and the staff clearly had no concern about the living arrangements. Whilst the precise circumstances surrounding what occurred will remain shrouded in mystery because of the defendant's feigned lack of recollection the Crown were disposed to accept the offence was spontaneous and, in that sense, unpremeditated. The fatal encounter was brief and death rapid.

[14] However the guidelines recognise that the starting point is just that. At the end of the day fixing the minimum term is not some mechanistic exercise. The ultimate object is to come to a just and appropriate minimum term informed by all the relevant material available to the court and taking due account of the guidelines. Whilst exceptionally the starting point may be reduced for the kind of reasons set out in paragraph 11 I do not accept that this offender's culpability is "significantly reduced" by reason of the medical reports which were furnished in this case.

[15] This defendant intended to kill and armed himself with a weapon - the TV. This was obtained from one of the rooms and then taken to the hallway where it was used to bludgeon Stanley Andrews to death. The defendant has feigned an absence of recollection as a result of which his motive remains unknown. Indeed if it could be established to the requisite degree of certainty it is possible that it might have brought him within the paragraph 12 higher starting point. [I note for example that earlier, on the day of the murder, he had been heard saying to the deceased "I need a fiver" and that the support worker was concerned about this because people had previously sought to take advantage of the deceased because of his soft nature. (See page 11 of the papers)].

[16] This defendant is a drug dependent alcoholic who was under the influence at the time of the attack. He has himself a harrowing background and a complex psychiatric history as detailed in the various reports. I, of course, take all of that into account. On the other hand the following aggravating features are present:

(i) Arming himself with a weapon - the TV - the purpose of which can only have been to give effect to his intention to kill.

(ii) His highly relevant previous record for grievous bodily harm with intent which involved persistent violence on a pregnant female including threats to kill and that he would kick the child - another offence of extreme terrifying violence.

[17] As far as the offence itself is concerned it is difficult to identify any mitigating factors save perhaps paragraph 16(b). As far as the offender is concerned I have already referred to his harrowing background and the complex psychiatric history. Although the defendant pleaded guilty he did so on the opening day of his trial.

[18] Taking all of the above into account the minimum period that you must serve before being considered for release is fourteen years. This is the equivalent of a determinate sentence of 28 years.