

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

Delivered: 05/03/2010

IN THE CROWN COURT IN NORTHERN IRELAND

BELFAST CROWN COURT

THE QUEEN

-v-

CHRISTOPHER PATRICK STOKES,
MARTIN STOKES &
EDWARD GABRIEL STOKES

TREACY J

Introduction

[1] Christopher Patrick Stokes, Martin Stokes and Edward Gabriel Stokes you have all previously been found guilty of the murder of John Mongan on the first count. You have also each been found guilty on the second count of criminal damage and you Edward Gabriel Stokes were found guilty on the third count of wounding Julia Mongan with intent contrary to Section 18 of the Offences Against the Person Act 1861.

[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 each be required to serve before you will first become eligible to have your case referred to the Parole Commission ("PC") 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 to which I will now sentence you is the actual term you must serve before becoming eligible to have your case referred to the PC.

You will receive no remission for any part of your minimum term that I shall impose.

Background

[4] All of the offences arise from one incident which involved the murder of John Mongan. The offence took place in the early hours of 7 February 2008 at 21 Fallswater Street in Belfast. John Mongan was 30 years old at the time and lived at this address with his wife Julia. They had been married for ten years and had three children one of whom died as an infant in 2002. The surviving children who lived with them at that address were Naomi who was 7 years of age and Patrick Lee who was 3 years of age. Julia Mongan was pregnant and the birth of the fourth child was due within days.

[5] The defendants and the Mongans were all members of or related to members of the travelling community and Julia Mongan was related to the defendants and the Stokes family.

[6] On Wednesday 6 February 2008 John left the house at around 6.15pm stating that he and a named friend had arranged to go down to the Republic of Ireland to pick up a van.

[7] John phoned Julia on her mobile phone at about 12.30am on 7 February to say that he was back across the border and would be home soon. After the call she went to bed and left the door on the latch as her husband did not have a key. Sometime shortly before 1.00am he returned home eventually joining his wife in bed.

[8] In the early hours of the morning around 2.00am, whilst she and her husband were in the bedroom and the children were in an adjacent room, their front door was put in. The three defendants, having made their way upstairs, forced their way into the bedroom and subjected the deceased to a brutal attack in front of his heavily pregnant wife. He sustained extensive and multiple injuries which resulted in his death. The pathologist, Mr Ingram, stated that death was due to multiple incised wounds and stab wounds the combined effect of which would have caused torrential bleeding leading to fairly rapid, although not immediate, death. He stated that whilst some of the injuries had almost certainly been caused by a bladed weapon, such as a knife, others were consistent with having been caused by multiple blows from a bladed weapon such as a machete, or similar implement and could have been caused by a hatchet or axe with a sharp cutting edge.

[9] As they left the house Edward Gabriel Stokes attacked Julia Mongan striking her on the head and shoulder as a result of which she sustained injuries (this is the subject of the third count against Edward Gabriel Stokes

only). Those who left the house were seen to attack John Mongan's jeep causing it damage (this is the subject matter of the second count).

Victim Impact Statement

[10] John's murder has had a devastating impact on his entire family which has been set out in a poignant victim impact statement which I set out in full:

"I am Julia Mongan and I was born on 24th April 1979. I have known John Mongan for most of my life and I started going out with him when I was 17 years old. John was the first and only man I was involved with. We went out together for 9 months and got married on 20th August 1997. We set up home together in Colin Glen and gave birth to our first child, Shannon, on 28th August 1998. Shannon was born in Royal Victoria Hospital and was diagnosed with Hurlers Disease, along with transposition of the heart valves. We were told that this was a life limiting disease. When we heard this John began to become depressed as he couldn't cope with it. Shannon got out of hospital when she was 3 months old and she needed a lot of medication assistance at home. Shannon's illness put a strain on the relationship between John and I because John couldn't accept that she was so ill. Our second daughter Naomi was born on 11th May 2000 and she was a healthy baby. Sadly on 13 December 2002 Shannon died as a result of pneumonia as her immune system had been weakened by her illness. After Shannon died John had a very close relationship with Naomi and he often said to Naomi "Baby girl, you don't know what you've done for me. You've saved me." After Shannon died he focused all his attention and love on Naomi and she loved having her daddy all to herself. Our third child, and first son, was born on 9th May 2004. We called him Patrick and he was a healthy baby. John loved Patrick and was very proud of the fact that he had a son. That was our family unit until I became pregnant in 2007.

John's life was his children. Everything he did was for the children. He wanted to provide for them, give them all his attention. Even though John and I had difficulties in our relationship at times, this never had any effect on how John dealt with the children. None of the children wanted for anything

while John was here. I am not just saying that because he's dead but it's true. The children worshipped their daddy. Since John died there is a huge emptiness in the family. Our second son, Sean, was born on 9th February 2008, 2 days after John was murdered.

We moved to our house in Fallswater Street in late November 2007 and we had moved there as Patrick had started a nursery in Beechmount and it was handy there, as I could walk to it. At the time that John died we had been married for 10½ years. John was passionate in his love for me but had a jealous and violent streak. I loved John with all my heart and had never been involved with any other men. John was insecure and often paranoid, and feared losing me, although there was no room for him to think that I would leave him. He was easily led by others. John could be violent towards me but it was just if he snapped, in a bad temper, but it was very short and he would then be sorry for what he had said or done. I preferred to talk about things, but sometimes he would go into a rage. John had an addictive personality and had bouts of being addicted to medication. It was during these periods that John was sometimes violent towards me. I didn't hide these incidents and would have phoned the police if anything had happened. John was very apologetic, and guilty, when he realised what he had done, when he had taken medication. He regularly questioned why he behaved in this way, but he never, ever was violent towards any of the children, and felt guilty even arguing in front of them. On occasions I did leave home, but I had never any intention of permanently leaving John, or him leave me, as I loved John with all my heart. He could be hurtful at times by things that he said or done but it didn't change the way I felt about him.

Our world changed forever in the early hours of 7th February 2008, when John was attacked in our house. I was heavily pregnant and was due to go into hospital that morning to get induced. John and I were excited about what was going to happen the next morning as he knew I was having a boy. I was sure that I was having a child and I was sure that I had a husband, but that all changed in the space of a few minutes. The security of my future was wiped

away in a few minutes. I recall the events of that night like a film I watched last night. I would describe what happened that night as brutal, and something you wouldn't even see in a film. I have tried to put it to the back of my mind but it keeps creeping up on me and I can't forget how helpless I felt watching John being attacked. Naomi also witnessed the attack on her daddy and she was trembling and crying. I thought her heart was going to stop. You could see, and feel, the fear in her. I put Naomi back into her own room and I saw that Patrick had been awoken by what was happening and was sitting up in bed.

When the attackers left my house I felt relief that it was over. John said "Julia help me." He had survived other assaults and I thought he would survive this. John was on the floor and there was a pool of blood that was getting bigger and coming towards me as I walked into it to go and help John. I will never forget that scene and John lying there, and the wounds I saw. Every time I see blood now it brings it all back. There are no words for the pain and suffering of seeing someone you love lying there like that. Between ringing 999 and police arriving seemed quite quick and I was relieved that help was there, but I was frustrated that they weren't just picking John up and bringing him to hospital, rather than talking to me. Whilst I was in the house I found out that John was dead, but I didn't want to believe it. I was hysterical and was then taken to hospital, while the children went with their grandparents. At the Royal Hospital I didn't believe that John was dead, it only really sank in with me when police wanted to take a statement from me. At the maternity hospital my labour was induced on 8th February and Sean was born on 9th February. During labour I just wanted the child out as I felt I had things to do. During my other labours John had been there and tried to make it fun and take my mind off it. When Sean was born I didn't take him straight away and gave him to my sister. A couple of hours later Naomi and Patrick came to the hospital and they just looked sad and lost and I knew then that I had to pull myself together for them. I asked to be left alone with the children and I picked Sean up and the four of us just sat in the room and I cried. I remember just asking to get

through it and I realised then that I was there on my own with the children who were aware that John was dead. Naomi was asking where daddy was and when he was coming back I had to explain that daddy wasn't coming back and they wanted to know if I was going to leave them too. I told them I would never leave them. I have lost a child, a brother and other family but nothing will ever compare to the pain I feel. I didn't want to leave the hospital room because I didn't want to face what I had to do and I didn't want to wake up to it all.

I got out of hospital on Sunday 10th February and went to live with John's older sister. She had two older daughters and they helped look after the baby, as I kept passing him to other people for them to look after him. I don't remember bonding much with Sean for about 5 months. Other people had tried to protect me so even my own children were afraid to ask me anything. I had lost my husband and my home and ended up in a hostel looking after 3 young children.

Since John was murdered Naomi is a completely different child. She has been robbed of her childhood as well as her daddy, as she had to grow up after what she saw. She is now so nervous and quiet. She regularly has nightmares, wakes up during the night and has become very clingy. Just last night Naomi went to bed at 10 o'clock at 10.30 she started crying and told me that she thought something bad was going to happen, like happened to daddy. Naomi has been getting counselling since not long after John was killed. Since John was killed I have to be there for her every day after school, and if I'm not she rings to see where I am. During the trial she wanted to make sure that nothing would happen to me at the court. It kills me more seeing her pain rather than my own, and how much she has suffered by losing her daddy. At the start she wouldn't talk about John at all but then I told her to talk about him and she did. She used to talk about him all the time. Patrick closed in on himself and didn't want anyone talking about John. He didn't even like other children talking about their daddies. He knows his daddy is gone but he is a different child since John was killed. He preferred to be on his own rather than with me or other children.

Before John was killed I never really feared anything but since 7th February 2008 I am now fearful, but don't or can't really think what of. I also look differently on trust and family relationships. I still feel really lonely and empty, it is very hard dealing with 3 young children on my own as I don't even drive. At night times when I am on my own at home I can sit and look at the TV but not even know what is on because I just sit there thinking about that night. I have lost a lot of weight, I don't sleep or eat properly, I've started smoking, I am taking nerve tablets every time I think I need them even though I used to hate John taking them. I don't want to feel like this. Certain things trigger a flashback to my bedroom on that night, like walking to my own bedroom now and seeing the bedroom when John died. I had a future all planned out with John and our children but that's all been wiped away and I don't have plans any more. My life has been changed forever within a matter of minutes."

Practice Statement

[11] I have been referred to the practice statement issued by Lord Woolf CJ on 31 May 2002 adopted in *R v McCandless & Ors* NI [2004] 269. The practice statement sets out the approach to be adopted in fixing the minimum term to be served by those convicted of murder. This practice statement provides detailed guidance for judges in sentencing persons guilty of murder and operates to ensure that people who are similarly culpable are comparably treated whoever sentences them and wherever they are sentenced. Referring to the process set out in the Practice Statement Carswell LCJ stated as follows:

"We think it important to emphasise that the process is *not* to be regarded as one of fixing each case into one of two rigidly defined categories, in respect of which the length of term is firmly fixed. Rather the sentencing framework is, as Weatherup J described it in his sentencing remarks in *R v McKeown* [2003] NICC 5 at [11] a multi-tier system. Not only is the practice statement intended to be only *guidance*, but the starting points are, as the term indicates, points at which the sentencer may start on his journey towards the end of deciding upon a *right and appropriate sentence for the instant case*." [Emphasis added]

The Court then continued:

“[9] The *Practice Statement* set out the approach to be adopted in respect of adult defenders [2002] 3 All ER 412 at 413-415, [2002] 1 WLR 1789 at 1790-1792 (paras.10-19):

“The normal starting point of 12 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 respect of young offenders the Practice Statement states at paras.24-26:

"24. In the case of young offenders, the judge should always start from the normal starting point appropriate for an adult (12 years). The judge should then reduce the starting point to take into account the maturity and age of the offender. Some children are more, and others are less, mature for their age and the reduction that is appropriate in order to achieve the correct starting point will very much depend on the stage of the development of the individual offender. A mechanistic approach is never appropriate. The sort of reduction from the 12-year starting point, which can be used as a rough check, is about one year for each year that the offender's age is below 18. So, for a child of ten the judge should consider a starting point in the region of 5 years.

25. Having arrived at the starting point the judge should then take account of the aggravating and mitigating factors in the particular case, which will take the prescribed minimum term above or below the starting point. The sliding scale proposed is

intended to recognize the greater degree of understanding and capacity for normal reasoning which develops in adolescents over time as well as the fact that young offenders are likely to have the greatest capacity for change.

26. The welfare needs of the offender have also to be taken into account. Lord Browne-Wilkinson in *Thompson & Venables* [1998] AC 407 at p.499 emphasised that the Home Secretary must at all time be free to take into account as one of the relevant factors the welfare of the child and the desirability of reintegrating the child into society."

[13] It was agreed by the Prosecution and the Defence that the higher starting point of 15/16 years identified in the Practice Statement was the appropriate starting point in the case of Christopher Patrick Stokes and Edward Gabriel Stokes. In the case of Martin Stokes the Prosecution contended that the higher starting point also applied in his case notwithstanding his age at the time of the offence. I have concluded, for reasons which are set out below, that the higher starting point is appropriate in the case of all of the defendants including Martin Stokes. *In each case the higher starting point is appropriate because the offenders' culpability was exceptionally high and because of the extensive and multiple injuries which were inflicted on the victim before death* (per para.12(j) of the Practice Statement).

Offence

(a) Aggravating Factors

[14] As far as the offence is concerned the following aggravating factors are present:

- (i) The killing was *planned* (per para.14(a) of the Practice Statement);
- (ii) The defendants *armed themselves in advance* (per para.14(c));

(b) Mitigating Factors

[15] It was agreed *there are none*.

Offender - Aggravating Factors

[16] In the case of **Christopher Patrick Stokes** he has a previous record of 58 convictions. Many of these were for road traffic offences. However, he also has convictions for forgery (1), burglary (3), theft (7) and handling (1). Aside

from his convictions for dishonesty he also has offences for assault on the police (2) and in October 2007 was convicted of assault occasioning actual bodily harm for which he received a sentence of three months imprisonment.

[17] **Edward Gabriel Stokes** has a lengthy criminal record dating back to 1984. Many of his offences are of a motoring nature including driving whilst disqualified, dangerous driving and careless driving. He also has convictions for burglary (1), theft (7), criminal damage (4) and deception (1). Aside from these he has convictions in this jurisdiction for offences of violence – assault occasioning actual bodily harm (2) and common assault (3). The probation officer in her report also stated that she had “confirmed that [he had] received custodial sentences in England for the offences of wounding with intent to cause grievous bodily harm, threatening and abusive behaviour, criminal damage and deception. Those convictions were under an alias and Mr Stokes has been connected to them and the consequential prison sentences through fingerprint evidence. In relation to his previous offending Mr Stokes states he has either no memory of details or that the convictions are wrong and that someone else must have used his name.” This position in relation to the custodial sentences in England was maintained by him during the tariff hearing. I indicated to Senior Prosecuting Counsel that this matter would have to be clarified before the tariff was fixed. Following the tariff hearing the court was furnished with a letter dated 2 March 2010 from his Solicitors stating:

“We have had an opportunity to clarify our client’s instructions in relation to whether or not the contents of the pre-sentence report which referred to a custodial sentence imposed in England for *grievous bodily harm with intent*. We can confirm that the content of the pre-sentence report is in fact correct.

We sincerely regret any unnecessary inconvenience that may have been caused by this *misunderstanding*.” [Emphasis added]

I do not accept that this was a misunderstanding. The Court has now been furnished with a copy of his criminal record in England from which it is apparent that he has operated under a number of aliases and dates of birth. Of most significance is his conviction in Luton Crown Court on 2nd March 1998 when he received a sentence of 6 years imprisonment for wounding with intent to do grievous bodily harm contrary to s18 OAPA 1861.

Pre-Sentence Reports

[18] I adjourned the case on 16 February 2010 for the preparation of pre-sentence reports. By document dated 17 February 2010 the probation officer indicated that whilst *Christopher Patrick Stokes* was offered an appointment on 11 February at Maghaberry he declined to participate in the report preparation process.

[19] In the case of *Edward Gabriel Stokes* I have already dealt with the inconsistencies between his instructions regarding his previous convictions in England and the contents of the probation report. The introduction to the report records that for the purposes of preparing the report directed by the Court the probation officer interviewed the defendant on two occasions, once at Maghaberry and once via video link. He walked out of the video link interview in anger. A third appointment at the prison was arranged and the probation officer travelled to it but Mr Stokes declined to attend. The report notes that he denies prison records that confirm this. Her report also indicates her awareness that a psychiatric report had been requested in respect of Mr Stokes although she had not had access to this at the time of writing of her report. Nor has the Court been furnished with any psychiatric report. During the course of her initial interview Edward Gabriel Stokes “became aggressive” and stated his belief that he was found guilty because he was a member of the travelling community. The report also records that he expressed no remorse (proclaiming his innocence) and throughout the probation interview made derogatory comments about Mrs Mongan.

Offender – Mitigating Factors

[20] As far as Christopher Patrick Stokes and Edward Gabriel Stokes are concerned it is agreed that *there are no mitigating factors* in respect of these defendants.

Martin Stokes

[21] Relying on paras.24-26 of the Practice Statement set out above Mr McCann, on behalf of this defendant, submitted that the starting point was 12 years which must then be reduced to take account of the maturity and age of the offender. This defendant being 15 years old at the date of the offence Counsel contended that in accordance with the Practice Statement this should result in a reduction of three years from the minimum starting period giving a revised starting point of 9 years. This submission however disregards the fact that an identical submission was rejected by the Northern Ireland Court of Appeal in *R v McCandless* at para.32 and 33. In para.32 of the judgment in *McCandless* the then Lord Chief Justice set out para.24 of the Practice Statement and continued:

“[Counsel] suggested that by these remarks Lord Woolf CJ intended that the starting point in the case of young offenders should invariably be 12 years, however heinous the crime and however clear it might be that it should be placed in the higher category. We are unable to accept that Lord Woolf CJ so intended. It seems to us clear that he was dealing with the mechanics of the calculation of the minimum term in the case of young offenders. That is to be determined by commencing at the same place as in the case of an adult, then applying a reducing factor depending on the offender’s age and maturity, before fixing on the starting point. In doing so he was focussing on the method of approach, not prescribing a starting point of 12 years for cases of every degree of heinousness.”

[22] Mr McCann did submit however that there were various mitigating factors relating to the offender Martin Stokes:

- (i) The positive manner in which the defendant has responded during his period in remand in custody and when engaged with the Youth Justice Service.
- (ii) The relationship in age between this accused and his co-accused, both of whom are adults with significant and relevant criminal records. It is unlikely that the enterprise that resulted in the death of Mr Mongan was the work of a 14 year old boy.
- (iii) The general intellectual development of the defendant as evidenced in the reports previously furnished to the court in support of a severance application.

[23] These mitigating factors he submitted are relevant to the related issues of the defendant’s culpability and the prospects of his rehabilitation and that a lower minimum term allows for release on licence at the appropriate stage of the rehabilitation process.

Expert Reports

[24] At an earlier stage of the proceedings, and for a different purpose, the Court was furnished with two expert reports. One of these is from an educational psychologist, Colin McClelland, and is dated 22 June 2009. After testing he recorded that Martin Stokes’ score on the intelligence test indicated that he is a boy of a fairly usable level of cognitive ability and that his verbal IQ of 77 placed him at the higher end of the borderline category and higher than 5% of the population (cf the comments in the conclusion section).

[25] There was also a report from Dr Maria O’Kane dated 20 May 2009 from which it appears that there is no relevant past medical or psychiatry history. In relation to the index incident she records that he was unable to give her details as he states he was not involved. She confirms that he is mentally well.

[26] In addition to those reports Counsel also relied on the folder entitled “Progress File” which was handed into Court together with the contents of the pre-sentence report.

[27] Martin Stokes also has a criminal record. Given the fact that he has only three appearances at Londonderry Youth Court in respect of offences the majority of which are driving offences I do not propose to treat his record as an aggravating factor.

Conclusion

[28] For whatever reason you took the law into your own hands that night setting out to slay John Mongan. In this you succeeded and in so doing robbed Julia Mongan of her husband and their 3 children of their father. But you were caught and now you will pay a heavy price for what you have done. You (and perhaps others) may have foolishly thought or been encouraged to think that you were above the law and beyond its reach. But you were not. Some may think the minimum terms I am about to impose too severe still others too lenient but as earlier explained I am setting the *minimum* term which you must serve *in full* before you are *eligible* to be considered for release. This term, unlike determinate sentences, attracts *no remission*.

[29] So far as *Christopher Patrick Stokes* is concerned it is agreed that this is a higher starting point case. There are no mitigating factors in relation either to the offence or to you. There are however aggravating factors in relation to the offence which I have set out above as well as the aggravating factor in relation to you of your previous criminal record. You have expressed no remorse for this brutal murder. In your case the sentence will be one of 20 years.

[30] *Edward Gabriel Stokes*. The same considerations apply in your case save for the fact that you have a much worse record in particular the 6 years imprisonment you served for wounding with intent to do grievous bodily harm. In your case the sentence will be one of 22 years.

[31] In the case of Martin Stokes, having regard to your age at the time of the offence and to the various matters summarised at paras. 22-27 above I consider that the sentence in your case should be one of 16 years.

[32] In respect of the second count the sentence will be one of 12 months imprisonment. In respect of the third count of wounding with intent the sentence is one of 10 years.