

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

Delivered: 16/09/05

BELFAST CROWN COURT

THE QUEEN

-v-

NEIL WHITE

COGHLIN J

[1] Neil White you have pleaded guilty to the attempted murder of Michael Liam Reid on 11 October 2003. On that date, in the early hours of the Saturday morning you, together with a number of other men, went to premises at an address in Harryville in Ballymena where your victim was visiting a friend. You appear to have been brought there by a close relative who had earlier ascertained that the victim was present in those premises. For a short time the victim was questioned and then, at a signal from your relative, a ligature was placed around his neck and pressure applied. The victim was assaulted and beaten around the head with a heavy object and stabbed.

[2] The Crown case is that you took a full part in this unprovoked assault including use of the ligature and a knife. Ultimately the victim went to the ground and pretended that he was dead. You were assigned to guard the victim while the others left the premises with the chilling words "We're going to have to get a saw to cut him up. Look at the size of him." Even if the content of these words reflected more bravado than reality they emphasised the callous violence among those taking part in this offence. After they left Mr Reid managed to regain his feet, overcome you and escape from the house. After a further encounter with another man outside on the footpath he eventually managed to make contact with the police and secure his rescue. I am told by counsel for the Crown that Mr Reid has made a relatively complete recovery apart from the psychiatric trauma that he sustained. Understandably, he has now moved away from the area. Given the nature of the horrendous experience that he underwent, the information that I have

received from the Crown that he still remains on a waiting list to see a psychiatrist, almost two years later, appears to me to be quite deplorable.

[3] It is clear from the circumstances and the words that were spoken during the assaults that this was a sectarian attack. Mr Reid was a Catholic in Harryville-the wrong person in the wrong place at the wrong time. Tragically, the same outcome might have occurred in similar circumstances had he been a Protestant in other areas of this Province.

[4] Sectarianism is the corrosive toxin that remorselessly eats away at the social fabric surrounding the main communities in Northern Ireland. Its manifestations include the crude daubing of slogans upon houses, schools and churches, the grotesque activities of those who orchestrate recreational rioting by children, social exclusion, harassment, physical eviction and community division. Over time, sectarianism has been cynically exploited by politicians and paramilitaries. It has both nurtured, and in turn, been re-invigorated by more than 30 years of terrorism. Like the “dreary steeples” in Churchill’s famous speech, as the tide of terrorism abates sectarianism re-emerges oozing forth again to corrupt another generation.

[5] No child is born sectarian but rather acquires such attitudes and beliefs as a result of social contacts and influences including family, peer groups and the wider community. In your case, Neil White, I am told by your counsel that you come from a respectable non-sectarian family and that your attitudes were formed on the streets of Ballymena. No doubt they did the best that they could in the circumstances. The court can only have the greatest of sympathy and respect for families in the many different communities in this country who have bravely struggled for so long, often in relative isolation and against intimidating odds, to preserve their children and young people from sectarian debasement. Ultimately, it is true that sectarianism will only be completely defeated when it is rejected by all of those communities. However, in the meantime, such people are entitled to expect support and protection from the organs of the state, including the courts. To let them down is simply not an option -there can be no compromise with sectarianism. Those who engage in this type of conduct can only expect condign sentences in which the major elements are likely to be punishment, deterrence and retribution. The seriousness with which sectarian crime must be viewed in this jurisdiction has been reflected by Parliament in the recent passage of the Criminal Justice (No 2) (Northern Ireland) Order 2004. In my view the starting point for a sentence in respect of attempted murder with a sectarian motive, imposed after conviction, should normally be in excess of 20 years.

[6] In the context of those observations I now turn to consider your individual case. In an eloquent and persuasive address your counsel, Mr Cinnamon QC, has advanced a number of points in mitigation. They are as follows:

(i) despite the seriousness of the charge, you have faced up to your responsibility and pleaded guilty. While you did not do so at the first available opportunity, nevertheless I propose to afford you the discount to which such a plea generally entitles an accused bearing in mind that you thereby relieved your victim from having to undergo the trauma of re-living his experience as well as saving the state the very considerable time and expense of a prolonged trial.

(ii) you have a good employment record since leaving school and you have not previously received a sentence of imprisonment. You have a minor criminal record, the last convictions of which were imposed in September 1997, some eight years ago. While I cannot ignore altogether the circumstances of those latter convictions in the context of this case, your criminal record will not be treated as a significant aggravating factor.

(iii) I am told that, at the time of the offence, you had consumed a substantial quantity of alcohol. That is put forward as a factor that affected your judgment and should reduce your moral responsibility. However, the offence to which you have pleaded guilty requires a specific intent to kill and it is the common experience in this jurisdiction that the vast majority of sectarian crime is fuelled by alcohol.

(iv) I have carefully read the report from Professor Davidson, Consultant Clinical Psychologist, which I have found to be of particular benefit in understanding your involvement in this offence. He confirms that you have a history of alcohol abuse lasting for some years which takes the form of binge drinking. In addition, Professor Davidson has recorded that testing of your verbal and performance IQ indicates that you are probably somewhat prone to the influence of other more intellectually capable adults. It is particularly significant that Professor Davidson also had an opportunity to assess the relative of yours who participated in the offence and who appears to be considerably more intellectually able, streetwise and calculating. In such circumstances, I am prepared to accept your counsel's submission that, to some degree, you acted under the influence of your relative who has apparently disappeared. The police should clearly continue their efforts to trace that individual.

(v) I have also had the benefit of the carefully prepared pre-sentence report. That document records that you expressed a high level of regret regarding your involvement in this incident and, despite the sectarian setting, the probation officer by whom it was produced believes that the likelihood of further offending of this nature is unlikely and that you do not seem to pose a significant future threat to the general public. That is obviously a factor of considerable significance although, as I have already noted, in relation to this

type of offence, the major elements in sentencing are likely to be deterrence, punishment and retribution.

I take all those matters into account. The offence in this case was so serious that only a custodial sentence can be justified. I do not consider that a custody probation order is appropriate taking into account the circumstances of the offence, the pre-sentence report and the relevant legal authorities. In my view the appropriate sentence is one of 16 years imprisonment.