

IN THE CROWN COURT IN NORTHERN IRELAND SITTING AT BELFAST

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THE QUEEN

v

CHRISTOPHER MAURICE WRIGHT  
RICHARD CHESTER  
JAMES JORDAN

Bill No 13/15016

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**WEIR J**

[1] Mr Wright, Mr Chester and Mr Jordan, you have each pleaded guilty to the manslaughter of Andrew Lorimer ("the deceased"). You were initially charged with his murder but your pleas of guilty to manslaughter have been accepted by the prosecution and I sentence you on that basis.

[2] Much of what is known about the circumstances leading up to and surrounding your brutal and sustained attack upon the deceased is perforce drawn from your accounts as there is no independent evidence. The prosecution say that those accounts should be regarded with caution, especially because of your dishonest attempt to blacken the deceased's character after the event in an effort to deflect some of the blame for your actions onto the deceased at a time when he was obviously unable to defend himself against those allegations. I shall return to that aspect later.

[3] According to your accounts, on Friday 3 February 2012 you had gone together to a flat at Portlec Place in Lurgan to meet a friend, RM, but found that he was not at home when you arrived. You therefore waited outside his flat until, again according to you, the deceased came out of his own flat in the building and invited you in to wait for your friend. It was variously alleged that the deceased put pornographic material on the television, that he made a suggestive remark and that he improperly touched one you. This was the alleged catalyst for the unmerciful attack that you

launched upon him using kicks, blows and a hammer said to have been taken from the kitchen. You then left the flat, effectively abandoning the deceased to die over a period of time.

[4] The extent, persistence and violence of your attack can be gauged from its consequences as found at autopsy by the pathologist. The deceased was a light man of medium height who would plainly have been quite unable to withstand the sustained and ferocious attack that must have been required to cause injuries of the nature and extent that led to his death. Dr Ingram's conclusions were as follows:

“Death was due to injuries he had sustained in a serious assault. There was a bruise on the right side of the chest and this was associated with bruising of the underlying internal chest muscles as well as fractures of nine of the right ribs, four of them in two places. The fractured ends of the ribs had caused four lacerations on the surface of the right lung which had subsequently collapsed, known as a pneumothorax. These chest injuries and the collapsed lacerated lung would have caused significant respiratory embarrassment compromising his ability to breathe and it was this which was the principle factor in his death.

The nature of the injuries to the chest was consistent with having been caused by a kick, or more probably a stamp, from a shod foot or also possibly by a knee having been drawn forcibly up into the chest. The possibility of them having been caused by a heavy fall cannot be entirely excluded but seems considerably less likely.

In addition to a number of trivial injuries of the head there were five lacerations of the scalp, up to 70mm long, as well as an extensive area of bruising involving the forehead, right temple and right cheek set within which were four lacerations up to 22mm long. These injuries have been sustained as a result of blunt force trauma, most likely as a result of his having been struck with a heavy weapon, with at least a moderate degree of force, up to nine times. There was also bruising and lacerations of the lips also caused by blunt force trauma, most probably as a result of his having been punched. The nine lacerations of the face and scalp would have bled heavily and the scene photographs show evidence of quite considerable blood staining throughout the flat. This would indicate that he had been moving about his

home while still actively bleeding. The extent of the blood loss within the flat was of a severity that is more than likely to have been a significant contributory factor in his death.

Whilst the skull directly beneath the nine lacerations was uninjured there was a quite small fracture set deep within the skull and associated with a little bleeding on the surface of the brain. This had probably been caused by transmitted force from one of the blows to the head but it was not of a severity likely to have accelerated his death to any material extent.

There were also bruises and abrasions on the arms and hands. Most of these are likely to have been caused by direct blows and those bruises on the hands were very likely sustained as a result of his raising his arms in an attempt to defend himself. Some of the more minor injuries could have been sustained as a result of his crawling about the flat. There were also bruises and abrasions of the lower limbs some due to direct blows but others possibly due to his collapsing, falling or crawling about. There was also a superficial incision on the back of the right lower leg possibly caused by a fragment of broken glass or crockery or contact with the sharp edge of an item of furniture. A small puncture type incision was also present on the left outer hip also possibly caused by a fragment of broken crockery or glass. The possibility of a bladed weapon such as a knife having caused these incisions could not however be entirely excluded. A laceration on the back was also noted but as with the injuries to the limbs it would not have contributed to the fatal outcome.

The combined effects of all of the injuries to his chest and head would not have caused his immediate death. A period of survival after the assault seems quite likely but it is difficult to be precise as to how long this may have been, perhaps a few hours."

[5] Having left the flat the next thing you did was to make an unhelpful and misleading telephone call to the police emergency line. The message said:

"Mourneview Estate, Portlec Place a fella has just been beaten to f... get there. Paramilitaries."

It will be noted that in this message no address was given nor even an indication that the injured person was within a building and not in the open. The reference to paramilitaries can only have been deliberately calculated to throw the police off the scent in relation to those responsible. It is unsurprising, given the scant and misleading nature of this message, that the police did not find the deceased who was at that time dying helpless and unaided.

[6] You took no further steps to get help for the deceased who was subsequently discovered dead on a bed in his flat by your friend RM who, perhaps having found the deceased's flat unsecured, decided to burgle it and found the deceased's body in the course of his activities. RM reported his discovery to a friend and the emergency services were then called and directed to the flat.

[7] The approach taken by the three of you when interviewed by police was to try to blame each other as well as to make the shameful and quite untrue allegations against the deceased which you have now retracted but not before they had caused great upset and distress to the deceased's family, an extra burden which they did not deserve to have added to the effects upon them of the death. I have concluded, as both your Counsel and prosecuting Counsel submitted I ought, that it is impossible to apportion degrees of responsibility for the elements of this crime as between the three of you. I have therefore concluded that you are all equally liable for those events leading to and culminating in the death of the deceased.

[8] I have had the benefit of an unusually large number of detailed Victim Impact Statements provided by the deceased's mother and other close family members. It is evident from their contents that the deceased was much loved by those close to him and admired and respected among his former work colleagues and in the wider community. They struggle as I do to understand what possessed you to brutally attack him as you did. Plain it is that his death and the manner in which it was occasioned will leave them all with deep and permanent scars.

[9] So far as you three are concerned I have received pre-sentence reports from the Probation Service and psychology and psychiatric reports upon you together with most helpful submissions by each of your Senior Counsel. The overall picture presented in respect of each of you is, for the most part, depressingly similar. You each have had dysfunctional childhoods, poor educational records, histories of substance abuse from a young age and little or no experience of the world of work. You have each led feckless lives supported by State benefits with nothing positive to show for your lives thus far. You, Wright, are a person of average intelligence and while there is no intellectual assessment of you, Chester, the names of the schools that you were said to have attended do not suggest that you were found to have a learning disability. By contrast, the clinical psychology report by Dr Pollock on you, Jordan, makes it clear that not only do you have a borderline learning disability but the administration of the Gudjonsson suggestibility and compliance scales has

established that you are prone to modify your behaviour in a compliant manner in interpersonal contexts and that compliance is a marked difficulty within your personality and social interaction, you show eagerness to please and a need to protect your self-esteem in the company of others and to avoid confrontation, conflict or disapproval from others. I also observe that you were aged 18½ at the date of this killing whereas you Chester were nearly 22 and you Wright were 20½.

[10] The Probation Service reports provide helpful if depressing insights into your backgrounds and social histories. They testify to some measure of remorse on your parts. Each of you has, rather to my surprise, been assessed by the Probation Service as not quite reaching the threshold to be considered as posing a significant risk of serious harm to others in the future. I accept those assessments.

[11] Mr Mooney QC on behalf of the prosecution submitted without challenge that the following aggravating factors are present in relation to this crime:

- (a) The deceased was a lightly built man incapable of defending himself against his assailants.
- (b) He was vulnerable in his own home.
- (c) The attack was prolonged and violent.
- (d) The deceased must have suffered a great deal of pain and distress before succumbing to his injuries.
- (e) A hammer was used to inflict injuries.
- (f) Attempts were made to destroy evidence by the washing and burning of clothes.
- (g) You conspired to concoct a story to evade responsibility and sought to blacken the deceased's character with a wholly mendacious account of his alleged behaviour before your assault.

By way of mitigation, Mr Mooney acknowledged that some remorse on your parts is evident and to that I would add that your pleas of guilty to manslaughter, late though you were in proffering them, spared the relatives the anguish of reliving these events throughout a contested trial, saved court time and brought the matter to an earlier conclusion. Those too are factors for which credit is to be given. However you delayed from February 2012 until June 2013 in accepting responsibility which means that you cannot expect to receive the amount of credit that an early acceptance of responsibility would have earned. This is a lesson which defendants and those who advise them would do well to learn.

[12] There was broad agreement between counsel for Prosecution and Defence as to the parameters of sentence based upon the authority of the Court of Appeal in R v Magee [2007] NICA 21 where, at para [26], Kerr LCJ said:

“We consider that the time has now arrived where, in the case of manslaughter where the charge has been preferred or a plea has been accepted on the basis that it cannot be proved that the offender intended to kill or cause really serious harm to the victim and where deliberate, substantial injury has been inflicted, the range of sentence after a not guilty plea should be between eight and fifteen years’ imprisonment. This is perforce the most general of guidelines.”

[13] Mr Mooney QC pointed out that 15 years is not however to be regarded as a fixed upper limit and that in particularly serious cases, of which an instance was R v Harwood [2007] NICA 49, the sentence on a contest may be 17 years or more.

[14] Taking all the aggravating and mitigating circumstances into consideration, other than the discount for the belated acknowledgements of guilt, I consider that in the cases of you, Wright and Chester, the proper sentence for this crime is one of 13 years. In the case of you Jordan, by reason of your established intellectual and personality deficits and your relatively younger age, I consider that the proper sentence is one of 10 years. I reduce those terms by one-fifth in each case for your pleas of guilty which means that you, Wright and Chester, will each serve 10 years and you Jordan will serve 8 years. I am obliged by legislation to specify “the custodial period” which cannot exceed one-half of the term of your sentences and also “the licence period” being the period which I consider appropriate to take account of your supervision by a Probation Officer after your release from custody. Accordingly I specify that you Wright and you Chester shall each serve 5 years in custody and you Jordan shall serve 4 years in custody with licence periods of similar length in each case. I make it clear to all of you that you will receive no remission in respect of your custodial periods.

[15] Each of you has indicated an intention to try to better yourselves whilst in prison and there are some small signs from the reports that you have already made a start along that path. Your time in prison and subsequently under probation supervision will give you the opportunity to make something positive of your lives. The alternative would be to waste your existences in the same useless ways that you have until your arrest. If you can now make that change then something will have been salvaged from the misery that this crime has caused.