

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

IN THE CROWN COURT IN NORTHERN IRELAND

LONDONDERRY CROWN COURT

R

v

PHELIM McNALLY

**TREACY J**

**Background**

[1] On 26 April 2013 the Defendant was arraigned and pleaded not guilty to both counts on the Bill of Indictment. The Trial was listed to commence on 2 October 2013. A jury was sworn on that date. The Court acceded to a request by Counsel for the Prosecution and the Defence to delay the commencement of the trial until the 7 October 2013.

[2] On 3 October 2013 the Defendant pleaded guilty to both counts on the Bill of Indictment namely on Count 1 to the offence of murder of Lauren O'Neill whom he shot on 19 May 2012 and on Count 2 to the Attempted Murder of Brenda O'Neill whom he also shot on the same date.

[3] The Court passed a mandatory life sentence upon the Defendant on that date and adjourned the hearing of the defendant's plea in mitigation until 25 October 2013.

[4] Due to difficulties in securing victim impact reports the hearing of the plea and sentence was adjourned to the 29 November 2013.

**The Defendant and His Victims**

[5] The Defendant was born on 14 April 1986 and is now aged 27 years old. At the time of the commission of both offences he was 26 years old and living with his mother and two brothers at their home in Toomebridge.

[6] Brenda O'Neill, who survived this shooting and to whom Count 2 on the Bill of Indictment refers, was born on 27 November 1990. She is now aged 23 years and was 22 years old at the time of the shooting. Brenda lived with her two young children (A, then aged 2 years and B, then aged 10 months) in Bellaghy.

[7] Brenda had been in a relationship with the Defendant for a number of years. He is the father of Brenda's two children. Brenda and the Defendant had lived previously in Toome before moving to Bellaghy in 2011. Brenda worked as a part time waitress in a bar/restaurant belonging to a relative of the Defendant.

[8] Brenda had ended the relationship with the Defendant about one week prior to the shooting.

[9] Lauren O'Neill, who lost her life in this incident and who is identified as the victim in Count 1, was born on 4 May 1994. She was Brenda's sister and was just 18 years old at the time of her death. She also worked part time in the same bar as her sister. She was well known to the Defendant at the time of the killing. The two sisters were very close to each other.

[10] Lawrence O'Neill and Bernie O'Neill are the parents of Brenda and Lauren. At the time of the shooting they lived with Lauren and their 10 year old son in Bellaghy.

### **Circumstances**

[11] On Friday 18 May 2012 Brenda had worked in the early part of the evening, and came home shortly before 10.00pm. Lauren had been looking after the children in her absence. Lauren then left the house and Brenda's mother, father and brother (C) came down to visit. They had a Chinese carryout. The Defendant phoned Brenda on a number of occasions that evening asking to see the children and to put them to bed. Brenda told him that the children were already in bed and that her parents were visiting. Her parents left with C shortly after midnight. Brenda locked the doors and went to bed.

[12] On the morning of Saturday 19 May 2012 Brenda and her children were still in bed when the Defendant called to the house. She timed his arrival at approximately 8.30am. He broke into the house and made his way into Brenda's bedroom when she woke up. She asked him how he got into the house. He waved a screwdriver at her and told her that he had taken the board off the back door. The window of the back door was broken and a board covered the gap in the door. The Defendant had removed the board, reached in and let himself in. He claimed he had done this so he could measure for a replacement pane of glass. Brenda thought that excuse strange as replacement glass had already been ordered.

[13] The defendant sat down on the bed and asked Brenda not to finish their relationship. Brenda describes the conversation as civil. He wished to get back

together with her but she was adamant that the relationship was over because they argued too frequently. After about 15 minutes of discussion, he suddenly took off his trainers and got into the bed beside Brenda. He said that wanted to lie down for a minute or two. He told Brenda that he had been working over at his uncle's house and had decided to call over to see the children. He also told her that he had been out shooting that morning. (He had acquired an over and under shotgun about a year previously).

[14] Brenda describes how, after lying on the bed for about 10 minutes, he got up and said that he was going out to get the gun, as his vehicle didn't lock and he didn't want to leave the gun in his unlockable vehicle. [In fact the evidence was that the vehicle did lock]. She asked him to take the gun back down the road with him, but he said that he was working at his uncle Harry's and that he would prefer to bring it in.

[15] Brenda told him not to bring it in, as she didn't want a gun in her house. Nonetheless he went downstairs and brought the gun up and threw it down on the floor. The gun was in a sleeve. He then got back into bed and continued to talk about how much he was missing the children. Brenda explained to him that she would not prevent him from seeing the children. The Defendant lifted B out of the cot and talked and played with him for a short while. B then crawled over to the gun. Brenda asked the Defendant to remove the gun but he told Brenda that it wasn't loaded. He left the gun where it was on the floor and Brenda lifted B and put him on the bed.

[16] Sometime thereafter A awakened and she too began to play with her father. Brenda estimates that A wakened at about 9.30am.

[17] Brenda describes how the Defendant then went into the en suite and while he was away, she got out of the bed, with the intention of going to the shop. She texted her sister Lauren, to ask where she was. Texts were exchanged between Lauren and Brenda. The defendant came back into the room and, in Brenda's words, "tried to go with me". She resisted his advances and he sat down on the edge of the bed.

[18] Brenda believes that it was at this point that he lifted her phone and started to read through her text messages. She tried to take her phone away. It contained personal joke type messages that were entirely innocent but which she felt would be misconstrued by the Defendant. This is precisely what happened. The Defendant wouldn't give her phone back to her. He read the messages and concluded that Brenda had developed another relationship, which was not in fact the case. She explained to him the circumstances in which the texts had been sent. He continued to hold onto the phone and to read through her messages.

[19] Around 10.00am Lauren O'Neill arrived at the house. She rapped on the front door which was still locked, as the Defendant had come through the back door. Brenda went downstairs with the children and let Lauren in. The Defendant

remained upstairs with Brenda's phone.

[20] The sisters and the children then went into the living room. Lauren sat down and took off her shoes. The Defendant came downstairs with the gun. He came to the living room door and reached over to give Brenda a kiss, but she pulled away from him. He had the gun over his shoulder, still in its sleeve. He said "Right, so that's the way it is then". Brenda told him that they were finished. There were some other comments passed by the Defendant to the effect that the person whose texts were on the phone wouldn't last the day. Nothing was said to Lauren. The Defendant then left with his gun and drove away. Brenda locked the front door when he left. The girls and the children then went into the kitchen together.

[21] It appears that at or about this time Brenda texted her mother Bernie and told her what had happened. Bernie in turn told Lawrence, her husband.

[22] After about 15 minutes the front door rapped again. It was the Defendant. He explained that he had forgotten his phone, which he had left in the bedroom. He was let in and allowed to go up the stairs to retrieve it. At this point he did not have the gun with him. He then came down the stairs and left, going to his vehicle which was parked at the front of the house. When he left, Brenda closed the door behind him again. On this occasion, however, she did not lock the door which meant it could be opened by a person from outside.

[23] Brenda walked back into the kitchen. She was about to start on A's clothes and was talking to Lauren. They were preparing also to go to the shop to buy some food. It was about 10.10am.

[24] Suddenly and without warning the Defendant appeared again in the house. Brenda describes how he must have let himself in through the front door. He came to the door of the kitchen. He was carrying his gun at this time and pointing it deliberately at Lauren. He said nothing but fired two shots directly at and striking Lauren. Brenda describes how Lauren saw what was happening as she had been looking at her phone. She describes how after the first shot Lauren jumped back off her seat before he shot her a second time. She describes the first shot to her stomach; the second to her chest. Lauren fell to the ground. She got up but fell again at the back door.

[25] Without saying anything, the Defendant then turned to Brenda and shot her. She describes how A, her daughter, shouted "Bad daddy, Bad Daddy". She described how the Defendant showed no emotion. He turned and walked out and went out the front door.

[26] He was seen to leave the house by Lawrence O'Neill, Brenda's father. He had just been told by his wife Bernie that the Defendant had visited Brenda that morning. From the upstairs in his own home Lawrence could see across to Brenda's front door, even though on the map the houses seem some distance apart. He remarked to

his wife that he could see that the Defendant had just left. He couldn't see if the Defendant was carrying anything. His wife remarked that the Defendant couldn't have just left as Lauren texted earlier saying he had already left. At this juncture, Mr O'Neill texted the Defendant and told him to leave Brenda alone. Little did he know that, by that time, the Defendant had shot both of his daughters, one fatally. He describes in his statement (page 33) how the Defendant left at a normal speed. Mr O'Neill decided to go to Brenda's house to make sure everyone was safe.

[27] Brenda was shot on her right arm and in the stomach. Notwithstanding her injuries she went to try and assist her sister, but she could get no response. Brenda describes how she struggled out her own front door and managed to raise the alarm with a neighbour.

[28] Lawrence O'Neill arrived at Brenda's home and could sense that something was wrong because he could smell gunpowder. He went into the house. The scene that he found is fully described at pp33 and 34 of the depositions. It reads:

"I went into the porch area and turned right into the living room. I could see trails of blood lying on the ground in the living room. The door leading to the kitchen from the living room was sort of closed over. I went into the kitchen and saw who I thought was Brenda as I couldn't see her face. She was humped over on her knees and her elbows on the ground. Her forehead was touching the ground and her legs were turned out behind her. Her head was towards the table and chairs and her legs towards the back door. She was beside the washing machine and the back door. [B] was sitting on the floor close to her head, next to the table and chairs. He was roaring and screaming. There was blood all around her legs and the washing machine, a lot of thick blood. She was wearing a brown leather jacket. I ran to who I thought was Brenda and tried to lift her up. I held her around the waist and head and hugged her. She looked at me and it was then that I realised it was Lauren..."

[29] He continues:

"I tried to help Lauren but I knew that she was going, there was too much blood. I had never seen anything like it before in my life. I picked up [B] and ran out of the house. I started roaring and shouting for help, for someone to call an ambulance.... Tommy Diamond, who lives two doors up from Brenda, said to me 'Your wee girl's in here'. I went into Tommy's house

and saw Brenda lying on the floor in front of the fireplace. I could see a wound on the inside of her right arm. There was blood going down from her right hand side and going down her leg. She said 'Daddy, I'm sore, I'm sore'."

[30] The paramedics arrived but by that time Lauren was dead.

### **Lauren's Injuries**

[31] In the autopsy report relating to Lauren Professor Jack Crane recorded the cause of death as being a shotgun wound to the trunk. He recorded that Lauren had been struck twice by the discharge from a shotgun. The fatal wound was located on the front of the left shoulder just above the left breast but, before it had struck the chest, the discharge had gone through the back of the left elbow lacerating the muscles here and fracturing the lower end of the humerus bone. The discharge had then entered the chest between the front ends of the left ribs 2 to 4 which were fractured. It had passed downwards and to the right extensively lacerating the heart and had then gone through the right leaf of the diaphragm into the underlying liver which was also badly lacerated. Pellets and an expended wad were found in the liver while some pellets had also peppered the lungs and many more recovered from the right chest cavity which contained a moderate amount of blood. The severe injury to the heart caused by this shotgun discharge was responsible, according to Professor Crane, for Lauren's rapid death.

[32] The other shotgun wound was described as relatively superficial in nature, located on the left side of the trunk, just below the lower margin of the rib cage. Professor Crane stated that it was probable that this discharge had first struck the edge of the table at which Lauren was sitting. (There was a large chunk missing from the table). This wound, though likely to have caused significant haemorrhage, was survivable.

[33] Professor Crane stated that both shotgun wounds appeared to have been sustained at fairly close range, probably within a couple of metres and their direction would be consistent with having been seated when she was shot. It would also appear that she had raised her left arm in a defensive gesture and that as a result the fatal discharge to the chest had first gone through her left elbow.

### **Brenda's Injuries**

[34] In his report Mr K Gardiner, Consultant Colorectal Surgeon, stated that Brenda suffered multiple pellet wounds to the right flank and right abdominal wall greater than 100 in number. She was taken initially to Antrim Area Hospital before being transferred to the RVH. In Antrim she had been investigated by CT scan of her abdomen and pelvis. This had shown a shot gun type injury to the right side of her abdomen involving the right lobe of the liver, the lower mid pole of the right kidney,

the duodenum, pancreas and colon. She also had an injury to her right forearm.

[35] In the RVH an emergency laparotomy was performed. Within the abdomen Brenda was found to have a considerable volume of blood. There was perforation of the gallbladder due to a pellet with leakage of bile into the peritoneal cavity from the gallbladder. There were 10 pellet perforations of the second part of the duodenum. There were six pellet perforations of a segment of the mid small bowel. There were multiple pellet perforations of the right colon and transverse colon. There were lacerations to the lateral aspect of the right lobe of the liver. 17 pellets were removed from the abdominal cavity. She underwent expert treatment from a Consultant Urologist, a Consultant Vascular Surgeon and a Consultant Plastic Surgeon. She was also treated extensively by psychology, dieticians and stoma nurses.

[36] She was admitted to the High Dependency Unit for a short period before being discharged back to the ward on 21 May 2012. She remained hospitalised until 8 June 2012. She continues to receive treatment for the effects of this shooting.

#### **The Defendant's Movements on leaving the victims' house.**

[37] After leaving the victims' home the Defendant went to his brother Laurence McNally's home in Toome. He told Laurence and his wife that he had shot Lauren and Brenda.

[38] Laurence and a third brother, Christopher, drove to Brenda's house to see if this was true. They could not believe what they had been told. On arrival at the house they were met by Brenda's father Laurence. They were told to leave the scene so they returned to Toome.

[39] Christopher then remained in Toome while Laurence and his wife took the Defendant in their car intending to take him to Antrim Police Station. En route to Antrim they flagged down a police car and told the police that the Defendant was in the car.

[40] The Defendant was arrested at 11.10am. He was cautioned and replied "I did something wrong".

#### **The Firearm**

[41] The firearm used to shoot Lauren and Brenda was a Beretta semi-automatic single barrel shotgun. The weapon belonged to the Defendant and was legally held by him at the time of the shooting. The gun was recovered from the Defendant's vehicle.

#### **Defendant's Interviews**

[42] The Defendant described how he had worked in an off licence the previous

evening. He had come home and consumed alcohol. He said that the following morning he got up early to go crow shooting in an area known as the Demesne close to his home. He left before 6.00am. He went to another location where he discharged a total of 6 cartridges.

[43] He went for his breakfast to a local Centra. He accepts that he called with Brenda, found messages on her phone and went into what he calls a “huff”. He loaded his gun with three new cartridges intending, he claimed, to go and do some shooting at the rear of the property in Bellaghy.

[44] It is clear however, from all of the evidence that the Defendant decided instead to re-enter Brenda’s property, armed with a loaded shot gun, and to fire aimed shots at his two defenceless victims while his own infant children were present and observing.

### **PSR and Victim Impact Reports**

[45] The Court was provided with the following reports:

- (a) Pre-Sentence Report from the Probation Board of NI dated 22 November 2013;
- (b) Victim Impact Report in relation to Brenda O’Neill;
- (c) Victim Impact report in relation to Lawrence O’Neill;
- (d) Victim Impact Report in relation to Bernadette O’Neill.

[46] The summary and opinion of Dr Patterson discloses that Brenda O’Neill reports frequent disturbing dreams and intrusive thoughts relating to this incident. She makes efforts to avoid thinking about the incident and also tries to avoid conversations about it. She now avoids social outings and tends to remain at home with a friend coming to visit her or she goes to visit her friend. She is now distrustful of men. She has difficulty getting to sleep at night and also difficulty staying asleep. She has an exaggerated startle response and is regularly irritable. She sees herself as being responsible for her sister’s death and this causes great guilt for her.

[47] Dr Patterson concluded that Brenda O’Neill is suffering from Post Traumatic Stress Disorder. Dr Patterson has recommended that she be referred to Clinical Psychology Services in her area where she will be able to access treatment for this disorder.

[48] Lawrence O’Neill, father of Brenda and Lauren, is also the subject of a victim impact report. He too has suffered significant symptoms of a complicated grief reaction but also meets the diagnostic criteria for Post Traumatic Stress Disorder. Dr Patterson has recommended that he too be referred to the Clinical Psychology Services and also that he contact Cruse Bereavement Care for on-going support from them until such times as he can see a Clinical Psychologist.



[49] Bernadette O'Neill is the mother of Brenda and Lauren. She reports regular disturbing images of what occurred. She experiences difficulty going to sleep and staying asleep. She also suffers from loss of interest in going out socially. There is marked avoidance of going near where Brenda lived and also avoiding conversations about the incident. Lauren is constantly in her thoughts and there is a severe grief reaction as a result of this loss. In addition Mrs O'Neill has an increased level of physiological and emotional arousal, often in response to triggers. In addition to problems getting to sleep and staying asleep, there is an exaggerated startle response, along with poor concentration and inability to settle. She has a negative self-belief of "I'm helpless" relating to the incident, where she relives the fact that she was unable to do anything to keep her daughter alive.

[50] Dr Patterson has concluded that she is suffering the effects of a Post Traumatic Stress Disorder and has asked that she be referred to Clinical Psychology Services in her local area.

[51] The Pre-Sentence Report on the Defendant identifies that he has had difficulties with jealousy and control.

[52] The report states that the Defendant regarded Lauren, the deceased, as a meddler and a negative influence on Brenda. The Prosecution said this may have provided the motive for the Defendant to shoot and kill Lauren.

[53] According to the report he exhibits limited remorse for his actions.

[54] The Defendant concedes that he had assaulted Brenda on a number of occasions while the two were together.

[55] Although the ultimate assessment of risk will be a matter for the Parole Commissioners, it is noted that the Defendant is currently considered to present as posing a high likelihood of reoffending and is assessed as dangerous.

### **Tariff**

[56] In relation to the murder of Lauren O'Neill the Court has already passed a life sentence on the Defendant following his re-arraignment. The exercise upon which the Court must now embark is to set the minimum tariff that the Defendant must serve before he can be considered eligible for release by the parole commissioners. If in the future he is released on licence he will for the remainder of his life be liable to be recalled to prison if at any time he does not comply with the terms of that licence. The minimum term which I will now sentence the defendant to is the actual term he must serve before becoming eligible to have his case referred to the parole commissioners. He will receive no remission for any part of the minimum term that I shall impose.

[57] The Court must also sentence the Defendant for the attempted murder of

Brenda O'Neill.

[58] I have been referred to the practice statement issued by Lord Woolf CJ on 31 May 2002 adopted in R v McCandless & Ors [2004] NICA 1. The practice statement sets out the approach to be adopted in fixing the minimum term to be served by those convicted of murder. It provides detailed guidance for judges in sentencing persons guilty of murder. Paras 10-19 of the practice direction are in the following terms:

*“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."

### **The Appropriate Starting Point**

[59] It was submitted by Defence Counsel, Mr Gallagher QC, that this case does not have the features that would justify the use of the higher starting point. I disagree. In my judgement the offender's culpability was exceptionally high and the female victim was particularly vulnerable. It was an act of extraordinary wickedness in which he fired aimed shots from a shotgun intending to murder. Lauren, who was just 18 at the time, was struck twice. The severe injury to her heart, caused by the shotgun discharge, was responsible for her rapid death. This case is characterised by features which make it especially serious. The victim was young and completely defenceless with no means of escape. She was seated and using her phone at the time she was shot. He intended to kill both Lauren and Brenda. The murder and the attempted murder both took place in full view of his two very young children.

[60] The cruelty and merciliness of these actions have left a family physically and mentally broken. In statements from family members, including a very poignant reminiscence of his sister from her younger brother C, they outline how Lauren was the heart and soul of their family. They describe how there is never a minute when they don't think about her and miss her. All they are left with are memories and photographs. Having gone to the house on that fateful day the first thing Lauren's father noticed was the smell of gunpowder, a scent which to this day, stays with

him. The family visit Lauren's grave faithfully every day.

[61] That Brenda mercifully survived this attack was entirely fortuitous. Brenda, who was 22 at the time, suffered severe and permanent physical and psychological injuries. That she survived was entirely a matter of chance since you intended to kill her.

[62] There are aggravating circumstances relating to the offence which make it appropriate that the starting point should be varied upwards. The aggravating features include that the killing was premeditated and that it involved the use of a firearm.

[63] A "timely" plea of guilty is a mitigating factor [see para17 of practice statement]. As to the consequences of a late plea see also Attorney General's Ref (No1 of 2006) Gary McDonald, John Keith McDonald & Stephen Gary Maternaghan (AG Ref 11-13 of 2005) [2006] NICA 4 at paras16-21]. The plea in the present case was not timely. Nonetheless, I accept the parties' submissions that the Defendant is entitled to some credit for pleading guilty notwithstanding the late stage at which the plea was entered. The Prosecution acknowledged that the plea was helpful to the O'Neill and McNally families, all of whom were to be witnesses in this case. I also accept that there is some evidence of remorse.

[64] A document signed by Senior Counsel on behalf of the Prosecution and the Defence outlining the basis upon which the plea was made was furnished to the Court. It was in the following terms:

"The Crown case on the issue of when McNally formed an intention to use his firearm for the purposes of attacking Brenda and Lauren O'Neill is that it was formed upon seeing the texts on Brenda O'Neill's phone or some time very shortly thereafter."

[65] The Court was furnished with a report from Dr Carol Weir, Chartered Clinical Psychologist, dated 26 June 2013 and a report from Dr Michael Curran, Consultant Psychiatrist, dated 13 June 2013. A number of references, on behalf of the Defendant, were handed into Court, one of whom Una Johnston who describes herself as a community activist, gave oral testimony.

[66] Having regard to what I have said above and taking into account all the material that has been put before me including the victim impact statements, pre-sentence report, various expert reports and the very helpful submissions of the Prosecution and Defence Counsel I consider that the appropriate tariff that the Defendant must serve before being considered eligible for release is 20 years. In setting the tariff for the murder charge the Court is not concerned by risk as that is a matter solely for the parole commissioners in due course.

### **Attempted murder**

[67] The sentence to be passed for the offence of attempted murder is in this case necessarily secondary to the sentence to be served for murder. The sentence for attempted murder is 20 years.