

THE CROWN COURT IN NORTHERN IRELAND SITTING AT BELFAST

THE QUEEN

-v-

JAMES SEALES, STEPHEN McCAUGHEY
JASON WEIR, IAN WEIR & OTHERS

SENTENCING REMARKS IN RESPECT OF
JAMES SEALES, STEPHEN MCCAUGHEY,
NORTH LUCAS, STACEY McCAUGHEY, JOHN LAWLOR, MELISSA
DICKSON
AND LESLEY WEIR

WEIR J

[1] James Seales and Stephen McCaughey, you have each been found guilty by a jury of the murder of Philip Strickland, and of the possession of a firearm with intent to endanger life.

[2] In relation to the counts of murder you have already been sentenced to life imprisonment which is the only sentence for that crime permitted by law. It is now my task to fix the minimum term or tariff which each of you must serve before you will be eligible to be considered for release by the Parole Commission, and I must also sentence you for the firearms offence.

[3] The background to the charges is that on the evening of 11 January 2012 Jason Weir had called at a house in the countryside near Comber to speak to the occupant. While he was there Philip Strickland also happened to call and was recognised by Jason Weir as a man whom his family suspected of painting slogans in public places and posting messages on Facebook critical of them, and of you, Jimmy Seales, in particular. Jason then left while Philip Strickland remained in conversation with the householder. Jason thereupon alerted you, Jimmy, to the presence of Strickland at this place and enlisted his friend, you McCaughey, to come there to back him up in some sort of intended fight with Strickland. At the same time you, Jimmy and Ian also came to the place and you, Jimmy, arrived armed with a shotgun. After some minor fighting with Philip Strickland you, Jimmy, discharged the shotgun at him

causing serious injuries to a leg. He was then bundled into the boot of his own car, a hatchback, and again at your direction, Jimmy, driven out of the yard by Jason on to the public highway. It appears that notwithstanding his injury, Philip Strickland quickly managed to climb out of the boot into the passenger compartment, and Jason brought the car to an abrupt halt. A struggle then seems to have occurred within the car which was ended by the second discharge of the shotgun into Philip Strickland's face causing massive and fatal injury. Thereafter the four of you left, but Jason and you, Stephen McCaughey, stopped a short distance away and then returned to the hatchback in McCaughey's car where an effort was made to set it on fire. This endeavour was interrupted by the arrival of a local farmer on his tractor so that it didn't succeed, and Jason and you, McCaughey, fled, as had you Jimmy and Ian, leaving the dead body of Philip Strickland lying in his car.

[4] Each of the four principal defendants has sought to minimize his own part in these events, you Jimmy even to the extent of denying that you were present at all - a claim that the jury must plainly have rejected. This means that there is no agreement as to who bundled Philip Strickland into the boot of his car after the first injury, who fought with him and to what degree, who fired the second and fatal shot and who, if anyone other than you, Jimmy, knew that a firearm would be brought to the scene. I make it clear accordingly that in any instance where there is no clarity as to who did or did not do a particular act, I have not sought in arriving at my sentences to attribute any of those disputed events to the detriment of any particular accused.

[5] The approach that I follow in assessing the minimum term that you each must serve before being eligible to be considered for release was prescribed by the Court of Appeal in R v McCandless & Others and it involves the application of the guidelines contained in the English practice statement. Although it has been agreed between prosecution and defence that your respective culpabilities vary as between you, I have determined that such can be adequately reflected by reductions or additions where appropriate to the relevant starting point which I consider to be the higher one of 15 to 16 years because of those features which in my judgment make this crime especially serious. They include the following:

1. This was a planned attack upon a vulnerable individual.
2. The plan included the assembly of a gang sufficient to outnumber and overpower the victim.
3. The victim was severely injured by the first gunshot.
4. After the first gunshot he was humiliated and degraded before the subsequent fatal shot.

[6] Turning then to consider your individual culpabilities I will deal first with you, James Seales. I am satisfied that you were in this matter the prime mover in and director and controller of these wicked events. You took charge of this operation, you brought the loaded shotgun, you fired the first shot, you directed the bundling of the injured Mr Strickland into his boot and the driving of the car away by Jason.

If, as is unclear, you did not actually fire the second shot I am satisfied you directed it and also the subsequent attempt to destroy the car. You persisted in contesting this case despite the formidable evidence against you, not least that of your own son, Ian. Unsurprisingly the jury rejected your claim that you were not at the scene and found you guilty. I consider that it is an aggravating feature of your case that you armed yourself with the shotgun in advance so that its use against Mr Strickland was clearly premeditated. Allowing for that factor I take as my starting point in your case a term of 18 years.

[7] By way of mitigation, I accept your counsel Mr McCartney QC's submission that prior to this offence you had been an exceptionally hardworking and industrious man who had built yourself up by hard work and considerable business acumen into a substantial land owner and farmer of considerable wealth. I also accept that the vicious attack upon you in September 2011 has left you both mentally and physically scarred and, to an extent, disabled. Life will be difficult for you in prison because of your disability and because you are accustomed to working hard in the outdoors, and, being aged now 56, you will be an old man before you become eligible to be considered for release. You have previous convictions, mainly for motoring offences, but nothing of any significance in the area of violence and I therefore treat you for sentencing purposes as being of previous good character. This was a ghastly crime orchestrated by you. You have dragged your family and their friends into the matter and they and your wider family have and will continue to suffer as a result of your actions. Taking all the circumstances into account I fix the tariff period in your case at 15 years, and I emphasise for the benefit of the family, the press and the public that no remission will be allowed on any tariff figure for murder, so you and the other three who fall to be sentenced for this murder will serve every day of your tariff period before the Parole Commission begins to decide when, if at all, you or they will become eligible for release.

[8] On the charge of possession of a firearm with intent I sentence you as the prime mover to 12 years imprisonment. Under the legislation you will serve six years of that period as imprisonment on which you will receive no remission and thereafter, upon your ultimate release, six years under the supervision of a probation officer. That sentence will be concurrent with the minimum term imposed on the murder charge.

[9] Turning to you, Stephen McCaughey, you are 26 years of age, you became involved in this matter due to a phone call from your friend Jason who asked you to come to the scene to back him up if necessary in his intended altercation with Philip Strickland. You say that you merely stood and watched as events unfolded, and it is right to say that there is no evidence of your actually doing anything physical in the course of them. The jury must however have rejected your defence, and have found you guilty as a secondary party, the role that the prosecution says that you played. Similarly, when your car was used to go back to attempt to burn Philip Strickland's car there is nothing to gainsay your assertions that you did not want to go back and

refused to drive your car, instead sitting in the passenger seat and taking no part in the attempted burning.

[10] Your previous convictions are for drug offences and dishonesty and I do not take them into account by way of aggravation. You did not even know the victim and became involved from a foolish mistaken sense of loyalty to your friend that has resulted in serious consequences for you. I judge your culpability to be marginally less than that of the two Weir brothers and therefore take as my starting point a period of ten years. As you contested the matter you can obviously receive no reduction for admitting your guilt. Accordingly I fix the period that you will be required to serve before being eligible to be considered for parole at ten years.

[11] On the firearms charge I sentence you to eight years imprisonment, of which you will serve four years in custody without remission followed on your ultimate release from prison by a further four years supervision by a probation officer. That period will be concurrent with the tariff period in respect of the murder count.

[12] Lastly, I turn to deal with the remaining five defendants to whom I have already indicated last week what I intended to do and did not require their attendance today. They are North Lucas, Stacey McCaughey, John Lawlor, Melissa Dickson and Lesley Weir. All but Lesley Weir have been charged with perverting the course of justice, while she has been charged with withholding information concerning an arrestable offence. I propose to deal with each on the same basis as their culpability, mainly consisting of telling lies to the police to provide alibis for the four principal offenders is similar in nature. Each has a clear criminal record and all except one are gainfully employed. I am satisfied that they became involved either from pressure exerted to a greater or lesser extent by one of the principal defendants or from a misguided sense of loyalty or, in some cases, both. The matters to which they have pleaded guilty are serious and require the imposition of a custodial sentence. However, because of the factors I have mentioned, because I am satisfied that they each genuinely regret having allowed themselves to be used, because fortunately the police investigation was not in fact hampered much, if at all, by reason of the lies, and because each pleaded guilty at a relatively early stage, I have decided to take the exceptional course for matters of this seriousness of suspending the immediate operation of the sentences I now impose. Each will be sentenced to 18 months imprisonment suspended for two years. I have already warned them of the implications of a suspended sentence.

[13] Before concluding these remarks I wish to say something about the effects that this brutal and senseless killing has had upon the victim's relatives. I have received moving statements from his mother and two brothers who have also expressed the feelings of their wider family. In particular, by a cruel chance of fate Mr Andrew Strickland, the twin brother of the deceased, was despatched to the scene in the course of his duties as a fire fighter and there saw the harrowing sight of his dead brother lying by the roadside with terrible injuries to his head.

Unsurprisingly he says that he is haunted by the image of what he saw. Philip Strickland's mother, Elizabeth, has difficulty in sleeping and rarely leaves the house as she does not wish to have to meet people. The consequences of this dreadful murder, so casually committed, stretch far beyond the death of the victim and will, I have no doubt, affect the close family members for their lifetimes. I hope that those responsible for what happened will reflect upon the consequences of their actions, and their inactions, during their years in custody.

MR McCOLLUM: My Lord, just one final matter, there are two motor vehicles I need a Disposal Order for.

MR JUSTICE WEIR: Yes. Anybody objecting to that? Very well.

MR McCOLLUM: That would be the Peugeot 306 and the blue Mercedes; the full details can be provided.

MR JUSTICE WEIR: Yes, I will make Disposal Orders in respect of those cars.

MR McCOLLUM: Thank you, my Lord.