

THE CROWN COURT OF NORTHERN IRELAND
SITTING IN LAGANSIDE

REGINA

v

WILLIAM TURNER, JAMES TURNER AND CHRISTIAN WALKER

TREACY J

Introduction

[1] William Turner, you and your brother, James Turner, have pleaded guilty to the murder of Matthew Richard Goddard. I have already sentenced each of you to the only sentence permitted by law for the crime of murder, namely life imprisonment. It is now my responsibility to determine the period that each of you will have to serve before you become eligible to have your cases considered by the Parole Commission, which body will thereafter have the responsibility of determining when, if at all, you will be released.

[2] I make it clear to each of you and through the press, to the general public, that the period that I shall fix will not qualify for any remission. Consequently, you will be required to serve in its entirety, as a minimum, the tariff periods that I determine.

[3] William Turner, you have already pleaded guilty to causing grievous bodily harm to Gareth Grattan for which you must also be sentenced. Christian Walker, you have pleaded guilty to one count of perverting the course of justice and one count of conspiracy to do an act with intent to pervert the course of justice by providing or by conspiring with the Turners to provide a false alibi.

Background

[4] The background to the attack on Gareth Grattan and the subsequent murder later on the same evening of Matthew Goddard was set out in comprehensive detail

at the last hearing and therefore I propose to set out at this juncture only a brief summary.

[5] On 23 December 2014 William Turner, now aged 37 and his younger brother, James Turner now aged 30, had been consuming large quantities of alcohol and cocaine. They then visited a local bar, the King Richard. Whilst there, Gareth Grattan and a friend went to this bar at about 10pm. Gareth Grattan was asked about playing a game of doubles with two men who were already in the bar playing pool. They started to play. Gareth Grattan was then attacked by William Turner and Mr Grattan ended up on his back on the ground. William Turner then jumped on him and gouged his eye. At some stage William Turner was pulled off his victim. Gareth Grattan was brought eventually to the Royal Victoria Hospital where he had major surgery on his eye.

[6] Mr Grattan who was aged 39 at the time of this vicious attack has been left blind in his left eye. He also sustained cuts and bruises over the rest of his face, neck and legs. One of the doctors who examined the injured party reports that he is now totally blind in his left eye with no prospect of recovery. The eye is shrunken. He has constant discomfort and has difficulty wearing a cosmetic shell to cover the damaged eye. He may require further treatment. The consequences of this attack for Mr Grattan have obviously been profound and life changing.

[7] Following this attack the Turners left the King Richard Bar and visited a cousin's house where more alcohol and drugs were consumed. They then left their cousin's house and made their way to the home of Matthew Goddard at 18 Chobham Street, which was about five minutes walk.

[8] William Turner claims that at this stage he had intended to challenge Mr Goddard about an alleged derogatory comment made by the deceased about William Turner's younger brother, James. William Turner told police that he wanted to go around and give Matt a good slap. During interview with the police he said he also wanted to humiliate him and he admitted that he was intent on violence. After they had secured entry to Matthew Goddard's house, William Turner and James Turner, subjected the victim to a sustained, merciless and brutal attack, using fists, feet and smashing an electric guitar over his head with such ferocity that it smashed into pieces.

[9] I am satisfied that the Turner brothers took turns to stamp on Mr Goddard's head whilst he lay at the bottom of the stairs. The forensic evidence indicates that William Turner's footprint was on the victim's head and that considerable leverage was used by the attacker who in stamping on the victim's head at the staircase subsequently dislodged the bannister.

[10] Mr Jason Bennett, Forensic Scientist, examined the extensive blood staining in Mr Goddard's premises and concluded that the deceased had been attacked in the living room, ending up on the floor close to the radiator. He then made his way

towards the kitchen, making contact with the wall opposite the radiator. This contact was with a heavily blood stained item and suggests that Mr Goddard may have been crawling or had fallen on to the floor. He was then once again assaulted at the foot of the stairs where his body was subsequently found.

[11] The pre-sentence report notes that when challenged William Turner could provide no rational explanation why he engaged in such a brutal and sustained attack upon the victim or why he failed to request medical assistance for the victim whom he stated was still alive when he left Mr Goddard's home. The defendant left the victim lying in a pool of blood and proceeded with James Turner and Christian Walker to go home and consume yet more alcohol and drugs. William Turner then disposed of evidence by burning most of the clothing and shoes worn during the murder.

[12] Although the murder occurred on 23 December 2014 the body of the deceased was not found until the evening of the following day, shortly after 9pm, when a concerned friend, Mr Carson, looked through the letter box and saw a body lying on its back at the bottom of the stairs. The pathologist found the cause of death to be blunt force trauma of the head and neck compression. He found extensive injuries, including extensive fracturing of the bones of the nose and the left side of the face. These injuries indicated multiple forceful blows such as punches, kicks or blows from a blunt weapon or a combination of these mechanisms. There was extensive bruising and some of the bruises had well defined linear components indicating impacts with a patterned surface suggesting the sole of footwear and indicating stamping on the face and head.

[13] Mr Goddard was aged 41 at the time of his death and I have read the moving Victim Impact Statements that have been provided in this case and which I of course take fully into account.

[14] I turn now to Christian Walker who pleaded guilty to two counts of conspiracy to pervert the course of justice. Christian Walker, prior to his arrest, was spoken to as a witness and was asked by police to account for his movements on 23 December 2014. He told the police that he was with the Turner brothers on Tuesday 23 December 2014 from about 8pm until 3pm on Wednesday 24 December. At this time he told the police that he got a phone call from James Turner and had gone to his house at 8pm, that they played the X-box until about 9pm when William Turner picked them up in his car. They then drove, he said, to William's house where they stayed all night and drank. The next day William dropped him and Jim back down the road, about 3pm and he gave a description of how he got to Jim's house, as he describes it.

[15] He was asked if he knew Matthew Goddard and he said no and in this statement he therefore accounted for the three men being together at the times most relevant to the murder. He put them all in each other's company so providing a false alibi. In subsequent interviews Christian Walker gave an account of his movements

and his presence at the King Richard Bar and 18 Chobham Street along with the Turner brothers on 23 December. He denied any involvement in the assault of Gareth Grattan and the murder of Matthew Goddard.

[16] In summary, Christian Walker stated that James Turner had accused Matthew Goddard of previously insulting James Turner and that on denial James Turner proceeded to punch Goddard, quickly followed by William Turner joining. There then followed, he said, a sustained attack on Goddard, using fists, feet and smashing of the guitar over his head. He states that William and James Turner took turns to stamp on Mr Goddard's head while he lay at the bottom of the stairs.

[17] Mr Walker explained to the police that he was afraid to come forward and tell the truth earlier on but that on his arrest he could no longer tell lies for them. Christian Walker also admitted during interview that the Turners told him to give them an alibi which he duly did in the form of his first false statement to the police, which grounds the third count of perverting the course of justice. He also told the police of the hatching of the alibi and agrees that in pursuance of the plan he went on with his life. That he did not make contact with the police when the death became public nor when innocent persons were arrested and that, as already mentioned, he proffered the alibi that had been agreed between the conspirators.

[18] It is his admissions to the police which form the basis of both counts three and four.

Sentencing

[19] After setting out the background I now turn to the sentencing of each of the accused. In setting the minimum term for William Turner and James Turner, that they must serve before they are eligible for release, the court is guided by the applicable principles set out in the R v McCandless [2004] NICA 269. Para12 of Lord Woolf's Practice Statement adopted in McCandless provides that:

“Where the offender's culpability as here was exceptionally high or the victim was in a particularly vulnerable position, the higher starting point of 15 to 16 years will apply. Such cases, it was said, will be characterised by a feature which makes the crime especially serious.”

[20] Para 12 of the Practice Statement then enumerates an un-exhaustive list of such features some of which are unquestionably present in this case, such as:

- (i) gratuitous violence;
- (ii) the infliction of extensive and multiple injuries on the victim before death.

The prosecution also submit that a third such feature was that the victim was vulnerable. Mr Eugene Grant QC, on behalf of William Turner in his skeleton argument rightly reminded the court of the observations in McCandless at para 8, where the court observed 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.”

[21] Rather the sentencing framework is, as Mr Justice Weatherup described in para [11] of his sentencing remarks in R v McKeown [2003] NICC 5, a multi-tier system. The court continued:

“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 goal of deciding upon a right and appropriate sentence for the instant case.”

[22] Counsel for each of the Turners correctly recognise that this case was, on any showing, a higher starting point case. Having identified the starting point consideration must be given to varying the starting point upwards or downwards to take account of aggravating or mitigating factors which relate either to the offence or the offender. The prosecution in this case also rely upon para 18 of the Practice Statement which is to the effect that a substantial upward adjustment may be appropriate in the most serious cases. One of the examples of a case when such an adjustment may be appropriate is where, as in this case, there are several factors identified as attracting the higher starting point.

William Turner

[23] I consider that in this case the presence of more than one such factor or one such feature requires an appreciable variation upwards of the higher starting point but not perhaps to the extent suggested in para 18. William Turner has a relatively minor criminal record with no appearances in the Crown Court. Most are for driving offences which are not relevant for present purposes. He has a conviction for assault occasioning actual bodily harm in 1996 for which he received a fine of £150 and a conviction for common assault in 2001 for which he received probation. He has never previously received a sentence of imprisonment. There are no mitigating features at all in relation to the offence of the murder of Mr Goddard.

[24] So far as William Turner himself is concerned I accept that he is entitled to appropriate discount for his early admission to police of his own role and his subsequent plea of guilty. I have considered the contents of the pre-sentence report and I am somewhat concerned that aspects of his account to the Probation Officer

are inconsistent with the forensic evidence and his earlier admissions to police, notably his present claim in the report denying stamping on the victim's head. He did however state that the victim did not deserve to have been assaulted and he expressed regret for the loss of life and the impact on the victim's family. However, as the author of the pre-sentence report rightly observed it is apparent that neither compassion nor empathy were evident at the time of the attack on Mr Goddard but nonetheless the court does take into account, as I have already indicated, that he did admit his role to the police and made a timely plea once the outstanding medical examination had been completed in his case. I have also considered the report on William Turner from Dr Bownes, Consultant Forensic Psychiatrist. However, in the context of this case the personal circumstances of the defendant at the time of the offence are of little assistance to the defendant.

[25] Mr Grant contended that it is significant that his plea of guilty was based upon an impulsive loss of control. Whilst he denies an intent to kill I am satisfied beyond reasonable doubt that whatever the Turners' intention may have been before they arrived in the deceased's home that whilst there both of them formed an intention to kill. Indeed, if they had not intended to kill the deceased why did they not summon help for Mr Goddard who was lying in a pool of blood and who according to William Turner was still alive when they left the house?

[26] Taking everything into account, I should say that had William Turner contested this case, the tariff that this court would have imposed would not have been less than twenty years. Taking everything into account the minimum term that I impose before you can ever be considered for release is one of 17 years.

[27] In respect of the second count Mr Grant submitted that a discretionary life sentence was not appropriate. However, a discretionary life sentence can be imposed when the offender has been convicted of a very serious offence and there are good grounds for believing that the offender may remain a serious danger to the public which cannot be reliably estimated at the date of sentence. This is such a case and I impose a discretionary life sentence on that count with a tariff of 10 years.

James Turner

[28] In respect of James Turner, his is also a higher starting point case requiring a variation upwards to reflect the fact that there are a number of features identified as attracting the higher starting point. I am satisfied, as I have already said that he, whilst in the deceased's home, formed an intention to kill Mr Goddard. That conclusion is based on some of the matters that I have already mentioned but also on the nature, degree, severity and cause of the injuries as set out in Dr Bentley's report.

[29] In any event, as the case law recognises, it cannot be assumed that the absence of an intention to kill necessarily provides any or very much mitigation. James Turner has an atrocious record with some 85 previous convictions, including some relevant offences of violence and these are set out at p4 of the pre-sentence

report. James suffered serious head injuries at the age of 10 when he was struck by a vehicle when out riding his bicycle. Dr Roche, Consultant Neuro-Psychologist, states that he sustained a moderately severe brain injury in this incident which significantly impacted on his cognitive ability and in him developing epilepsy, which appears now to have resolved.

[30] His report outlines the ongoing impact of this head injury on the defendant and in particular on his education, including his exclusion from Secondary School and subsequent placement, Ardmore Special School from which he was also subsequently excluded. The defendant's unsettled personal and family circumstances during his adolescent years, due not just to his brain injury but also to the breakup of his parents' marriage and the subsequent death of his father, to whom he was very attached, are also described in the pre-sentence report. In prison he has achieved enhanced status and whilst there has had contact with the Donard Centre which is a unit in the prison for those assessed as having significant mental health issues. He is on daily prescription medication for depression and anxiety.

[31] Notwithstanding the contents of Dr Roche's report, I am not persuaded that there is any basis for distinguishing between James and William, who acted in concert in subjecting Mr Goddard to a sustained, pitiless and horrifically savage attack and therefore in your case I impose the same tariff of 17 years.

Christian Walker

[32] I turn now to Christian Walker, who is to be sentenced in respect of counts three and four, namely offences involving perverting the course of justice, in that on 7 January 2015 he did an act intending to pervert the course of justice, namely that he provided a false alibi to the Turners during the course of an investigation into the murder of Matthew Goddard intending that the course of justice should thereby be perverted. He has also to be sentenced in relation to count four, namely conspiracy to do an act with intent to pervert the course of justice on a date unknown between 23 December 2014 and 8 January 2015, in that he conspired with the Turners to provide a false alibi for them in respect of the murder investigation, intending that the course of justice would thereby be perverted.

[33] Mr Walker pleaded guilty on 11 May 2016 to both these counts. The count of murder with which he had originally been charged was discontinued and thus this was the first available opportunity that these offences were available to him when they were added to the indictment and the plea was based on his admissions at the police station. There is no dispute between the parties about the applicable principles and the sentencing guidance for offences of this type. Usually such offences will attract a custodial sentence. I have been referred to a number of cases however, in this jurisdiction where on their own facts a suspended sentence was imposed.

[34] The defence at para 6 of the skeleton argument highlight a number of factors which they have invited the court to consider and these are, that it is accepted by the defence that the substantive offence is of the utmost seriousness; that the duration of the offending is in the bracket of being short-lived; that the effect of the conduct was minimal if not close to the lowest level that might be encountered given the substantive admissions of the defendant and his full and frank account to the police at the start of the interviewing; that he did not persist in the course of giving a false alibi; the position that he found himself in immediately before being asked to provide a false alibi; the impact of that upon him as he was suffering a high level of fear; his psychological vulnerability and immaturity as disclosed in the expert reports that are before the court; the fear and panic stricken state of the defendant, both at the time of the murder and thereafter; and that the defendant is genuinely remorseful and regrets what he has done. I was reminded that the defendant offered without request by the prosecution to give evidence of what he witnessed if so required and finally the other matter which the court was invited to consider was that he does not have any criminal record.

[35] As I say in Mr Walker's case, the defence also rely on the psychiatric and psychological evidence. Dr Miller's report refers to the defendant's current diagnosis of Post-Traumatic Stress Disorder, to his psychological vulnerability and depression of moderate severity and in his report he says this:

“Given that he has a relatively immature emotional capacity, it is highly likely that his mental state at the time of the murder was one of severe panic and as such, in my opinion, he was in all likelihood experiencing an abnormality of the mind that would have affected his capacity to think and reason.”

[36] Dr Weir, Consultant Clinical Psychologist, referred to Mr Walker's history of depression and of his being in despair. The clinical opinion is that he satisfies the criteria for placement on the Asperger's Spectrum, exhibiting a significant number of the characteristics. In light of the medical evidence and the factors identified by the defence which I have already mentioned, I am satisfied that exceptionally and not without considerable hesitation, I intend to impose a sentence of 18 months imprisonment but I will suspend that sentence for a period of two years which means that if during the period of the suspended sentence you do not commit any further offences you will hear nothing more about it but if you do commit any further offences during that period the suspended sentence may be activated and you will be sentenced in addition to that for any fresh offence that you have committed during that period.