

Judicial Communications Office

30 May 2019

COURT FINDS ACCUSED NOT GUILTY OF GEORDIE GILMORE MURDER

Summary of Judgment

Mr Justice McAlinden, sitting today in Belfast Crown Court, found David McMaw, Brian McLean and Darren McMaw not guilty of the murder of George Gilmore senior on 13 March 2017. He concluded that the evidence before the Court did not allow him to conclude their guilt beyond a reasonable doubt.

Background

George Gilmore senior (“the deceased”) was shot as he was driving through the Woodburn Estate in Carrickfergus on Monday 13 March 2017. At the time of the shooting, the deceased had two passengers in his car: Stephen Boyd was the front seat passenger and Kelvin Graham was in the rear. They were travelling with another car which was being driven by the deceased’s son, George Gilmore junior, and in which Mateusz Ostrowski was a front seat passenger. They had returned from Laganside Court Complex in Belfast where they had been supporting an associate, Ian Sinclair, who was appearing on an attempted murder charge relating to an attack on a doorman in the Royal Oak Bar, Carrickfergus on 11/12 March 2017. The court heard that a number of shots were fired from a 9mm pistol at the deceased’s car from the rear. One shot travelled through the car and hit the deceased on the back of his head. The bullet fragmented causing a massive “unsurvivable” brain injury. The deceased was pronounced dead shortly before midday the following day. A number of other bullets hit the car but neither of the two other occupants was injured. The car crashed through the garden wall of a nearby house. A further bullet penetrated the front door of the same house and was retrieved from the wall beside the staircase.

David McMaw, Brian McLean and Darren McMaw were charged with the murder of the deceased; the attempted murder of Stephen Boyd and Kelvin Graham and possession of a firearm with intent. It was suggested in court that the murder was linked to an ongoing feud between factions of the South East Antrim UDA.

The Crown Case

The Crown case was largely based on eye-witness testimony from George Gilmore junior, Stephen Boyd and Mateusz Ostrowski. The Crown also sought to rely on the results of the analysis of mobile phone records relating to the defendants and their associates. This analysis looked at the time, duration and pattern of calls made and the content of certain text messages as well as looking at where the mobile phones were located at the time the calls were made or received.

The Crown also sought to rely on the content of the defendants’ answers during police questioning and the decision by each of them not to give evidence during the trial. David McMaw and Brian McLean denied involvement in the murder but refused to answer any other questions during their police interviews. Darren McMaw, however, initially participated in the interviews. While denying any involvement in the murder and UDA membership, he said he was aware of an on-going feud

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between the Gilmores and a faction of the UDA over money and drugs. He referred to a number of incidents in which he alleged that he and others had been targeted and attacked by the Gilmores, including an attack on his partner's house where petrol was poured over his son's head but was unable to offer any explanation as to why he and his family would have been targeted by the Gilmores. He claimed he had gone to the Woodburn Estate on the day of the murder following a phone call from a friend as he was concerned about his family including his sister who lived in that area. He said he remained there all evening and stayed that night with his sister. When he woke the next morning he was told by residents that his van had been removed by the police and, on contacting his employer, he was asked to return his work mobile but admitted returning it to the factory settings before doing so.

Darren McMaw initially claimed not to know Brian McLean but then accepted that he knew he was a friend of his brother. He said he had last seen his younger brother David about a week before the shooting and denied being in phone contact with him during that week. Darren McMaw was further interviewed in late September 2017 after the forensic analysis of the mobile phone records, CCTV images and vehicle tracking records had been carried out. Contrary to what he had told the police during the first set of interviews, Darren McMaw had to accept that some of the evidence he had given about his whereabouts on the day of the murder was incorrect. He claimed to have little or no memory of the events on account of the stress he had been under since that time. He could not explain why his van had been at various locations in Carrickfergus that day and said he did not remember being there.

Evidence of the Gilmore party

George Gilmore junior described the events of the day leading up to their route through the Woodburn estate in order to return to the deceased's house, a route they frequently took. He said he noticed Brian McLean and David McMaw standing at the front fence of a house on Pinewood Avenue. He claimed they started shouting and making gestures "goaded" the Gilmores to come into the street to try to start a confrontation. George Gilmore junior described seeing David McMaw and Brian McLean run into an alleyway that led to Blackthorn Park. He said he sped up and turned into Blackthorn Park where Brian McLean ran out across the path of his car and into an alleyway to his right. He said that when he braked suddenly to avoid hitting Brian McLean he looked up the alleyway to his left (the one Brian McLean had just run out of) and saw David McMaw who was pulling a mask over his head. George Gilmore junior drove on but then heard a number of shots. When he reached the junction of Blackthorn Park and Pinewood Avenue, he stopped and saw his father's car emerge onto Pinewood Avenue from the other Blackthorn Park exit, roll across the road and crash through the garden wall of a house. George Gilmore junior turned in the direction of his father's car and stopped on the street. He got out and saw that his father had been shot and called the police. He said he did not look up Blackthorn Park and did not see either David McMaw or Brian McLean again.

Under cross-examination, George Gilmore junior denied that the deceased was a leading loyalist or a commander in the UDA or the leader of a faction that had split away from the South East Antrim UDA. Instead he described his late father and himself as being intimidated by the South East Antrim UDA. He denied that there was any form of feud, stating that it was one sided with the South East Antrim UDA targeting his family and friends. George Gilmore junior, however, was shown a video which he accepted he had taken on his mobile phone and posted on social media relating to events outside his father's home on 4 July 2016. It showed a large group of men, some wearing masks, in the vicinity of the house and a large number of police officers on foot and in vehicles. George

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Gilmore junior accepted that the voices heard on the video were those of his father and himself, that the comments were a reference to Mark Gourley and that his father had been questioned by the police about the disappearance and possible murder of this man. It was suggested to George Gilmore junior that this event occurred at the start of the feud between the two factions of the UDA but he was adamant that there was only one faction and it was targeting his family and friends. It was further suggested to him that the faction to which he belonged had been responsible for a number of serious assaults, the most serious being the incident on 11/12 March 2017 when a doorman at the Royal Oak Bar was attacked with a fire extinguisher. George Gilmore junior accepted that he knew the three people who were charged with attempted murder following that attack but denied that he, his late father and their friends had gone to Laganside Court on 13 March 2017 to show support for them. Instead he claimed they were there to bring one of the accused home should he be granted bail.

Later in his cross-examination, George Gilmore junior was shown a further three video clips relating to incidents which occurred on 26 September 2016. In one, he was seen getting out of the deceased's car and having a verbal altercation with persons in another car. In another clip, two cyclists are seen coming towards the deceased's car and two people get out of it and run after one of the cyclists. George Gilmore junior was also questioned about why he and his father continued to drive through the Woodburn estate when his father's car was attacked by David McMaw every time he saw it. It was put to him that this was to mark out Gilmore territory and to engage in a show of strength. This was vehemently denied by George Gilmore junior. He was then asked about some of the statements he made to police officers who attended the scene of his father's shooting. He said it must have been someone else who had given the accounts to the police. He was further questioned about evidence he gave in court that Brian McLean stopped briefly in front of his car yet this fact was omitted from the statements he gave to the police. George Gilmore junior also denied leaving the scene in a vehicle with Mateusz Ostrowski and Stephen Boyd.

Mateusz Ostrowski was a front seat passenger in George Gilmore junior's car. He described seeing David McMaw "waving us in, trying to wind us up" and then Brian McLean running out of an alleyway. Mateusz Ostrowski was questioned about a complaint he made to the police on 5 July 2016 claiming he was held against his will in a community centre and assaulted earlier that year a few days after the deceased and his brother had been arrested and questioned about the disappearance and murder of Mark Gourley. He was asked whether he made the complaint as a result of an incident outside the Gilmore house on 4 July 2016 and whether he did so at the direction of the Gilmores. He denied this and also denied that the Gilmores had told him to withdraw his complaint although the police record at the time stated: "After talking it over with my friend, Stephen Boyd, I have decided that I want to withdraw the complaint. I have lost faith in the police and I don't want any more hassle".

Stephen Boyd was the front seat passenger in the deceased's car. He too described seeing Brian McLean step out of the alleyway and observed David McMaw further back in the alleyway, slightly crouched down pulling a balaclava over his face, and appearing "quite flustered". According to Stephen Boyd, he saw that David McMaw had the gun in his right hand and he shouted: "Gun. Gun. Gun." As the deceased's car passed the alleyway he heard shots before it crashed through the front wall of the house. He phoned the emergency services and stayed with the deceased until the police arrived, at which time he left the scene with Mateusz Ostrowski and George Gilmore junior. Stephen Boyd was also cross-examined about making a complaint to the police about false imprisonment and assault which he too later withdrew but said he couldn't recall discussing this with Mateusz Ostrowski. He was also cross-examined about the three video clips and asked to

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confirm that they showed him acting aggressively to people outside the car. He agreed that he is shown “behaving in an erratic manner”.

Stephen Boyd was also asked about the 999 call he made to the emergency operator. It was suggested to him that it was clear from the recording that at that time he did not know or have any opinion as to who had been responsible for the shooting of the deceased. Stephen Boyd responded by stating that he clearly saw who was responsible for the shooting but his priority was trying to save the deceased’s life. It was suggested to him that he had heard David McMaw’s name being mentioned by some people gathered around after the shooting but he denied this. The trial judge commented that having listened to the recording of the phone call he was convinced that during the call, Stephen Boyd was being given or was overhearing information provided by others at the scene and “even at this very early stage after the shooting, Mr Boyd was giving a grossly inaccurate account to others of what he had actually seen that afternoon”. He was heard saying that he watched David McMaw “pull the trigger above me” and that “the bullet whizzed straight past me and hit [George Gilmore senior] in the neck”. The judge said:

“This simply cannot have happened. The bullet that struck Mr Gilmore senior struck him on the right side of the back of the head as he was seated in the driver’s seat of the vehicle. Whatever the prior trajectory of this bullet, it did not whizz past Mr Boyd who was seated in the front passenger seat of the vehicle”.

Commenting on the Gilmore party’s evidence, the trial judge said that having studied the photographs of the area it was immediately obvious that no one in a vehicle travelling along Blackthorn Park in the direction in which the deceased’s vehicle was travelling would have had any view of the lower body or legs of an individual positioned in the alleyway where Stephen Boyd placed David McMaw until the vehicle was level with the entrance to the alleyway. Further, the evidence given by the Gilmore party was that David McMaw seemed to have had great difficulty pulling the balaclava he was supposedly wearing down over his face as he didn’t seem to have made any progress from the time that George Gilmore junior stopped his vehicle and observed him for a number of seconds and then drove on and Stephen Boyd in the deceased’s car came in the opposite direction and observed David McMaw. The trial judge also commented that, having regard to the topography and the description of the movements of the two cars, he was convinced that they would have encountered each other or at least would have had sight of each other on Blackthorn Park if they had been driven on the routes, in the manner and at the speeds described, particularly if the BMW stopped for a number of seconds on Blackthorn Park opposite the entrance to the alleyway. The witnesses all claim that such an encounter or sighting did not take place:

“Either this is false or the evidence concerning route, manner of driving and/or speed is false. I do not have to decide this particular issue. I must, however, carefully take account of a material falsehood when considering the evidence of these three witnesses in its entirety.”

The Court also heard evidence from two police officers who were present at the scene. One confirmed that George Gilmore junior told him he had seen a male coming out of an alleyway and thought he was going to throw something at this car and that another male had then fired shots at his father’s car and both then ran off. The police officer said the impression he obtained from George Gilmore junior was that he had witnessed the shooting. A second police officer said that both George Gilmore junior and Mateusz Ostrowski told her that David McMaw had carried out the shooting and gone to his girlfriend’s house.

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The trial judge commented:

“It is clear that the evidence of George Gilmore junior, Mateusz Ostrowski and Stephen Boyd forms a central pillar of the Crown case against the three accused. In assessing the foundations, soundness, integrity, strength and build quality of this particular pillar, I have been urged by Counsel for the defendants to utilise all the safeguards, warnings, checks and measures set out in [case law]. Having given the matter careful consideration, I do not consider that it is necessary for me to embark on such an exercise. Before doing so, I would have to be satisfied that the evidence is capable of belief. My detailed and painstaking examination of the evidence of these three witnesses and the various accounts given by them ... leads me to the inescapable conclusion that their evidence, riven as it is with utterly implausible, internally conflicting and mutually contradictory accounts is incapable of belief and that no conviction in this case could be safely founded on this evidence. I simply do not believe that any of these three witnesses saw what they say they saw on the day in question.”

The trial judge went on to say that if the defendants or any of them are to be convicted of any of the offences with which they are charged or, other alternative charges, then any such conviction could only be based on the other strands of evidence adduced by the Crown.

Other Strands of Crown evidence

The Court heard evidence from a number of witnesses who were present at the scene or had been working in the area. The Court also heard from Darren McMaw’s employer about the tracking device that had been attached to his van to ensure that it wasn’t used for personal use. He said there was no job-related reason for Darren McMaw to be anywhere else in the van after leaving Belfast other than returning to his home.

The Court adduced a statement from a police officer who had spoken to David McMaw, Brian McLean and two others on 12 March 2017. He said they were discussing the previous night’s attack on a doorman at the Royal Oak Bar and David McMaw said this was the second time that the deceased had tried to attack his sister’s boyfriend, William Graham. The police officer stated that David McMaw was angry and said something needed to be done. The Crown said this was significant in light of a reference by David McMaw to Thomas Morgan who was arrested in February after attempting to buy two Glock pistols on the “dark web” in connection with the then ongoing Loyalist feud in Carrickfergus. Thomas Morgan was a brother in law of the deceased.

Forensic evidence was presented to the Court. It heard that seven cartridge casings were recovered from the ground and the possible remains of a bullet were recovered from inside the deceased’s car. These were examined and found to be manufactured in the Czech Republic in 2016. They had been fired from a self-loading pistol with a right hand twist barrel.

The Court referred in detail to the results of the analysis of voice call and text messages relating to a number of mobile phones ascribed to the defendants and named associates in the period leading up to the murder and on the day of the murder itself. The Crown also placed particular reliance on evidence relating to the positions of the mobile telephone cell masts located at different sites in Carrickfergus to which each of the defendants’ phones were connected at various times on the day of

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the murder. Reliance was also placed on the evidence contained in various CCTV images garnered from a number of static and one mobile CCTV cameras relating to the defendants, the Gilmore party and the vehicles used by the Gilmore party and Darren McMaw. A sophisticated computer mapping programme was used to combine the data produced by the tracking system fitted to Darren McMaw's van with photographs taken by police photographers and the CCTV evidence ("the evidential product"). This was put in evidence by the Crown as constituting a video timeline of the movements of the Gilmore party, the defendants and their associates on the day of the killing.

The Court said that if all this evidence was the only relevant evidence having a bearing he would be compelled to conclude that it could not be said with certainty that any information about the location of the Gilmore party which was passed through the chain of calls which took place between the defendants and their associates was in furtherance of a plot to kill or seriously injure the deceased or anyone else:

"It would be a matter of common sense to observe that if there was a plan to murder or seriously injure Mr Gilmore senior, the less people involved in that plan the better and no explanation as to why there would be a chain of calls in the execution of such a plan has been put forward by the Crown, particularly when the first link in the chain was to a person seemingly present in Belfast. Further if there was such a plan, Michael Lowry, Jamie Adams and Clifford Irons were seemingly involved in it, yet no charges have been brought against them in respect of this criminal enterprise. These issues are relevant when it comes to considering whether the theory that this chain of calls was in furtherance of such a plan can and should be regarded as compelling. The theory is superficially at least a cogent theory but more is needed to render it compelling."

The trial judge had concerns about the specificity of the evidence relating to the location of David McMaw's mobile phone in the 60 minute period prior to the murder. He said that either he was flitting regularly back and forth between two areas or the two locations are covered by the same mobile phone cells and it was therefore impossible to place a phone at one of these locations to the exclusion of the other. The judge said that, in either event, there was a clear need to treat this evidence with caution when determining whether it was supportive of the Crown case. The trial judge noted that the CCTV and mobile phone evidence was put to each of the defendants during their police interviews and both David McMaw and Brian McLean chose not to provide meaningful answers to questions focusing on their whereabouts and contacts on the day in question. Darren McMaw initially adopted a more forthcoming attitude and the judge said it was important to consider this in light of the evidence. He said it was clear that Darren McMaw's accounts differed from the generally accurate information contained in the evidential product in a number of important respects:

- Darren McMaw informed the police that he spent the previous night in Carrickfergus whereas the evidence showed he spent the night at his parents' home and did not leave there until early on the Monday morning. The trial judge said this indicated that either Darren McMaw's recollection of where he was that night was poor when he gave his account to the police a few days after the shooting or he felt the need to deliberately give false information to the police about this matter;
- Darren McMaw told the police that he went to Carrickfergus at lunchtime on 13 March 2017 to pick up his son and take him to his parent's farm. He said that when he got to his ex-partner's house, his sister and her children were there so he left his son there to play. He claimed to have been on his way to get food when he received a call from Jamie Adams to say

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there had been a shooting and he made his way to Pinewood Avenue to assure himself that other family members were safe. The evidential product however showed that he did not receive a call from Jamie Adams at any stage between 13 February 2017 and 14 March 2017.

The trial judge commented:

“Having carefully considered the contents of [Darren McMaw’s] various interviews and having carefully compared these with the information contained in the evidential product, I am driven to conclude that Darren McMaw’s accounts of his movements and interactions which were given to the police were deliberately inaccurate, misleading and evasive. In short, Darren McMaw lied to the police about his movements and interactions on the afternoon of the killing. ... However the fact that I have concluded that Darren McMaw lied to the police about his movements and interactions on the afternoon of the killing does not establish that he is guilty of the offences with which he is charged. I cannot exclude the reasonable possibility that he lied simply to distance himself from involvement in the feud which was ongoing between the UDA factions in Carrickfergus at that time”.

The trial judge said the admission by Darren McMaw to the police that he drove up past the deceased’s house to “take a look” was compelling evidence which supported the Crown case that his motive for lying to the police was to hide the true nature and extent of his involvement in attempts to locate the whereabouts and track the movements of the Gilmore party on the afternoon in question. He said that Darren McMaw’s movements and interactions that afternoon could only reasonably be explained on the basis that he was attempting to locate the Gilmore party. The trial judge said these conclusions clearly have an important bearing on other aspects of this case, such as the rationale behind Darren McMaw’s decision to perform a factory reset on his mobile phone prior to handing it back to his employer and the Court’s assessment of the content of a chain of calls starting with Michael Lowry and ending with David McMaw on the day of the killing:

“Having given these specific issues anxious and careful consideration, and having concluded that the movements of Mr Darren McMaw in his van are only reasonably consistent with him attempting to locate the whereabouts and track the movements of the Gilmore party, ... , I am compelled to conclude that Mr Darren McMaw’s choice of route ... can only have been as a result of his receipt of information about the presence of the Gilmore party ... and that this information can only reasonably have come from Michael Lowry. In essence, Mr Darren McMaw’s very peculiar pattern of movements in his works van that afternoon coupled with his lies about what he was doing, convince me beyond a reasonable doubt that information about the whereabouts and movements of the Gilmore party was passed through a chain from Michael Lowry to Darren McMaw via David McMaw. No other rational or plausible explanation explains Darren McMaw’s movements after this chain of calls. That is not to say that any information about the location of the Gilmore party which was passed through the chain of calls was in furtherance of a plot to kill or seriously injure Mr Gilmore Senior. Nor does the above conclusion necessarily lead to a finding that Darren McMaw’s movements and interactions either before or after this chain of telephone calls were performed by him in furtherance of a plot to kill or seriously injure Mr Gilmore Senior or anyone else for that matter.”

The trial judge then considered what if any inferences it was proper to draw from the defendants’ decisions not to give evidence in their defence in this case. He said it would not be proper to draw any adverse inferences from the decisions made by David McMaw and Brian McLean not to address

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the specific allegations arising out of the discredited evidence of George Gilmore junior, Mateusz Ostrowski and Stephen Boyd in relation to their actions in the immediate lead up to the shooting. However, he did consider that the other strands of circumstantial evidence adduced by the prosecution in this case in respect of the actions of all three defendants clearly called for answers from the defendants. The question was whether the only sensible explanation for their silence was that they have no answers or none that would bear examination.

The trial judge said that Darren McMaw initially did attempt to give an account of his movements to the police and that the Court had concluded that his account during interview did not bear examination. The judge said he was, therefore, able to conclude that if he had given evidence at the trial, his evidence would similarly not have borne examination. The Court then posed the question as to whether it could legitimately and fairly conclude that any evidence given by the other two defendants at the trial would not have borne examination and that this explained their failure to give evidence? The trial judge referred to two other matters which he considered to be relevant. Firstly, both David McMaw and Brian McLean were untraceable for a number of days following this shooting, despite the fact that the police were actively searching known addresses for them. This period of time would clearly have allowed for a “decontamination” process to have been completed in relation to firearms residues and other forensically significant materials such as fibre deposits. Secondly, both defendants decommissioned and put beyond the reach of the police the mobile telephones that were in use in the lead up to this shooting and in the immediate period thereafter. The trial judge said this was not a case of defendants simply saying nothing:

“This is a case of suspects (at least insofar as their phones are concerned) deliberately taking steps to ensure that the phones in question were never made available for forensic examination. In such circumstances, and having regard to their unexplained conduct in the aftermath of this shooting, I conclude that I am also entitled to draw adverse inferences against these two defendants arising out of their decisions not to give evidence in their defence at this trial in relation to the evidential strands put before the Court by the Crown other than in respect of the evidence of Mr Gilmore junior, Mr Ostrowski and Mr Boyd.”

Conclusion

The trial judge concluded as follows:

David McMaw

“Bringing all the strands of cogent evidence together, in relation to David McMaw, the clear animus that existed between the Gilmore faction and the faction with which David McMaw was obviously associated, the conversation with Constable Taylor before the killing, the text from William Graham after the killing, his unexplained disappearance after the killing, his decommissioning of his mobile phone, his behaviour in front of the two workmen working at his partner’s house in the hours before the killing, his presence in the vicinity of the killing when it took place, the nature, extent and pattern of his telephone contacts during the relevant period, his likely face to face contacts with the other defendants including his likely presence in Castlemara Drive and in Darren McMaw’s van coupled with the proper adverse inference to be drawn from his failure to give evidence at trial raised the index of suspicion in respect of this defendant to a very high level but careful and anxious scrutiny of the evidence does not allow me to conclude beyond a reasonable doubt that David McMaw was in possession of a gun that day or that he was the gunman who

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aimed shots at the car in which George Gilmore senior, Stephen Boyd and Kelvin Graham were present on 13th March, 2017. I, therefore, find the defendant David McMaw not guilty of each of the charges faced by him.”

Brian McLean

“The circumstantial case against this defendant is somewhat weaker than the circumstantial case against David McMaw. There are the matters of his presence in the vicinity at the time of the shooting, his disappearance thereafter, the decommissioning of his phone and the UDA memorabilia and clothing found in his home, the limited evidence as to the nature, extent and pattern of his telephone contacts during the relevant period, and his possible face to face contacts with the other defendants coupled with the proper adverse inference to be drawn from his failure to give evidence at trial and these matters clearly raise the index of suspicion to a significant level in respect of this defendant but not to a level approaching the criminal standard of proof in respect of the charges faced by him and I therefore find him not guilty in respect of each of those charges. Having regard to my factual findings, I do not consider that there is any basis upon which a charge of unlawful act of manslaughter could be made out against this defendant.”

Darren McMaw

“Again in his case, the clear animus that existed between the Gilmore faction and the faction with which Darren McMaw was obviously associated, his unexplained disappearance after the killing, the factory resetting of his mobile phone, the very peculiar route traced by his van on the afternoon in question including the presence of the van on the Marshallstown Road and Lancastrian Street, Carrickfergus, the extent and pattern of his telephone contacts during the relevant period, his likely face to face contacts with the other defendants including his likely presence in Castlemara Drive and at locations proximate to the addresses of the other two defendants coupled with the proper adverse inference to be drawn from his failure to give evidence at trial and his giving of an account to the police which was materially false, raise the index of suspicion in respect of this defendant to a very high level. I am satisfied beyond a reasonable doubt that on the day in question this defendant was engaged in attempts to locate the whereabouts and track the movements of the Gilmore party on their return from Court in Belfast. However, careful and anxious scrutiny of all the evidence does not allow me to conclude beyond a reasonable doubt that Darren McMaw’s engagement in this exercise which did take place was in furtherance of a plot to kill or seriously injure Mr Gilmore senior or anyone else for that matter, either with one, other or both of the other defendants or with another or others unknown. I, therefore, find him not guilty of all charges. Having regard to my factual findings, I do not consider that there is any basis upon which a charge of assisting offenders under Section 4 of the Criminal Law Act (Northern Ireland) 1967 could be made out against this defendant.”

In conclusion, the trial judge commented that nothing he said in this judgment can and should be interpreted as diminishing in any way the horror of the events actually witnessed by George Gilmore junior, Mateusz Ostrowski and Stephen Boyd on the afternoon of 13 March 2017:

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“The shooting of George Gilmore senior was a wholly unjustified, despicable act committed in broad day light on a road in the middle of a densely populated estate. It happened just after 2.00 p.m. when very young children were making their way home from the nearby primary school with their parents and carers. It was an utterly reckless attack which put at grave risk the lives of others completely unconnected in any way with any feud or power struggle between UDA factions in Carrickfergus. This recklessness is graphically illustrated by the fact that one of the bullets fired from that 9 mm handgun that afternoon punched its way through the glass panel of the front door of [a house in] Pinewood Avenue and ricocheted off the newel post of the bannister of the staircase before lodging in a wall beside the staircase. Anyone standing behind that front door or on the stairs in that house would have been killed or seriously injured by this reckless disregard for human life. When is this society going to finally realise that these self-styled paramilitary organisations are nothing other than a cancer feeding off the deeply rooted tribal fears of the communities in which they operate and that resorting to the use of a gun solves absolutely nothing and only serves to engender further violence and the further perpetuation of hatred.”

NOTES TO EDITORS

1. This summary should be read together with the judgment and should not be read in isolation. Nothing said in this summary adds to or amends the judgment. The full judgment will be available on the Judiciary NI website (www.judiciary-ni.gov.uk).

ENDS

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