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IN THE CROWN COURT OF NORTHERN IRELAND
SITTING AT BELFAST

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THE KING

v

REILLY and CRAWFORD

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SENTENCING REMARKS

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HHJ RAMSEY

Introduction

[1] At the outset I want to place on record my thanks to all counsel who appeared in this matter. In order to assist the court counsel submitted invaluable lengthy written submissions. In addition, I heard further oral argument from both prosecution and defence counsel. I take all of these submissions fully into account. Mr Ciaran Murphy KC leads Mr David Russell for the prosecution. Mr Desmond Hutton KC appears with Mr Michael Forde for the defendant Carl Reilly. Mr John Larkin KC and Mr Joseph O'Keefe appear on behalf of the defendant Paul Philip Crawford.

Factual Background

[2] On 17 February 2015 Carl Reilly who is now 47 years of age and Paul Crawford now aged 48 met at the Carrickdale Hotel Dundalk. This meeting took place between 8:05 pm and 8:45 pm and was the subject of covert surveillance during which the conversation was audio recorded. The recording was downloaded by An Garda Siochana and subsequently burnt to a CD and a transcription was made by PSNI. This transcript appears on the papers before the court. Garda surveillance officers at the scene identified those taking part in the meeting, where within the hotel it took place, the cars used as transport and where the men went after departing the hotel. The Officers named Reilly and Crawford as the persons observed by them.

[3] Crawford arrived into the hotel car park in his own vehicle at approximately 8:08 pm while Reilly arrived slightly earlier at approximately 8:05 pm travelling in a vehicle owned by a Stephen O'Donnell from Belfast. Both Reilly and Crawford reside in Northern Ireland. Officers observed Reilly park the car he was travelling in and walk to another part of the hotel car park where he found Crawford sitting in his vehicle. Both men were then observed walking to the hotel lobby at approximately 8:10 pm. Crawford sat down at a table in the lobby facing the reception area while Reilly sat facing Crawford with his back to reception. They remained in that position until 8:45 pm at which time they returned to Crawford's vehicle and left the car park together. Crawford's unoccupied car was later observed in Aisling Park Dundalk. Further surveillance was carried out at 17 Oaklands Park, Dundalk which is the home of Peter McVeigh. At that address both men were observed in conversation with McVeigh at a communal grassy area in front of the house. They were still in conversation at 10:30 pm but by 10:40 pm Crawford's vehicle had left.

[4] McVeigh is a person who both men talk about during their conversation in the hotel. Reilly talks about what he is going to discuss with the lads tonight but is told by Crawford it will just be McVeigh. Reilly responds "Ok, but I'm going to say to McVeigh tonight, stay the path with me, look where we came from and if we stick to the path, we can keep going on…" Peter McVeigh was convicted of the murder of two RUC Constables and firearms offences in February 1973 at Belfast City Commission. He was released on license on 4 July 1991. Garda had evidenced a previous sighting of Crawford and McVeigh in conversation at a Republican Network for Unity commemoration on 5 April 2015.

[5] CCTV footage from the hotel was seized and corroborates some of the observations of the surveillance officers. Controlled viewing of the footage was carried out and resulted in formal identification by PSNI officers of Reilly. Police can show associations between Reilly and Crawford before and after the meeting at the hotel. Throughout the conversation in the hotel both men discuss several personalities using full names or surnames. Oblique references are used about individuals as to when they get out or are due to get out of prison. Nicknames are also used. There are several evidenced sightings of Reilly with persons who are convicted terrorists, sightings of both of them at commemorations as well as observations of Reilly at court hearings of individuals facing terrorist or firearm offences. In interview it is suggested to Reilly that he is referring to these individuals when he says: "I'm losing men in Belfast, they're going to Maghaberry, the Branch are buzzing us…"

[6] On 16 October 2015 Carl Reilly was arrested by Police under section 41 of the Terrorism Act 2000. He was interviewed a total of 14 times and did not speak during any of them, but his solicitor read a prepared statement close to the conclusion of questioning. It reads as follows:

> "I, Carl Reilly, totally reject all allegations that I have been involved in Directing Terrorism. I totally reject that I am a member of a proscribed organisation. I am the National Chairman of Republican Network for Unity, an entirely legitimate, legal political party registered with the Electoral Commission and stood openly in the last Council elections. I am also involved in the prisoner support group - Cogus, again a legal, lawful group that helps support prisoners' rights and welfare and offer emotional and financial support to prisoners' families. Cogus offers that support to any prisoner who requests their help so long as the charge is political. I further stress that at no time have I ever taken guns or timers or box timers off anyone nor have I been involved in any attempted murders or buying guns. As part of my employment in CRSI, I am employed by a number of funders- including the International Fund for Ireland, through Peter Sheridan, former Assistant Chief Constable: Esmie Furbeain, Joseph Rowntree Trust, Atlantic Philanthropist and the International Committee for the Red Cross. As part of my job I am employed to engage with people supposedly close to armed groupings, to encourage peaceful ways forward, particularly around the area of punishment attacks. Throughout this work I have and do engage with people who have influence to help stop attacks and I've had relevant success thus far with many of my engagements."

[7] Paul Crawford was arrested on 16 October 2015 under section 41 of the Terrorism Act 2000 and was interviewed 13 times during which he did not speak but provided a prepared statement which reads as follows:

> "I am a member of the Republican Network for Unity (RNU) and have been a member for approximately the past four years. I have previously held the position of National organizer and at the recent Ard Fheis in September 2015 I was elected Finance Officer for the 26 counties. As such I have access to bank statements but I'm not a signatory to a bank account. RNU is a registered political party in the North and they have fielded candidates in the most recent local council elections. I am not and never have been a member of any proscribed or illegal organisation."

[8] On 19 May last the defendants entered pleas of guilty in Reilly's case to count 3 and in Crawford's case to count 1 which were counts of belonging to or professing

to belong to a proscribed organisation, contrary to section 11(1) of the Terrorism Act 2000. The prosecution applied to leave a count of directing a terrorist organisation against Reilly, contrary to section 56 of the Terrorism Act 2000, on the court file subject to the usual orders. I then adjourned the case to enable the preparation of written submissions by both parties and reference to appropriate authorities. I heard the pleas on 8 September last and further adjourned the matter so that I could consider the written and oral submissions made and review the cases.

[9] In their written submissions the prosecution have set out extracts from the transcript of the covert recordings. I have read all the transcription on the papers before me, and it is quite clear from even a cursory reading that they reveal discussions and exchanges which strongly supports the charge of belonging to or professing to belong to a proscribed organisation to which both accused have pleaded guilty.

[10] Mr Hutton submits that these audio tapes reveal on his client's part an element of bravado and urges caution in considering them. Mr Larkin indicates that his client's involvement is one of a listener with a passive role and a lesser participant in the conversations. I accept that there are elements of bravado in the recordings, but these are unguarded discussions about sinister matters and can be regarded as dangerous conversations carried out by people who want to take us back to those dark days which brought so much heartache and sorrow to our community.

[11] I should at the outset acknowledge that these defendants are to be sentenced in keeping with the basis of plea document which has been drawn up and signed by all parties. I think it is appropriate to read the basis of plea into the record.

[12] This is a basis of plea entered jointly into by both defendants:

1. Each of the defendants pleads guilty to membership of a proscribed organisation as per the Indictment.

2. The membership counts are based upon the conversation recorded between the two defendants as set out in Exhibit 10 (OM 36 p 12-22 exhibits)

3. The roles of each of the defendants are indicated by reason of the contents of the said conversation as attributed to each of them therein. Crawford has on the face of the manuscript a lesser role.

4. Reilly offered to plead guilty to membership but not count 2 in and around September 2020. Crawford also offered to plead guilty to membership at that time if it would resolve the overall case. These offers were refused on the basis that the prosecution sought at that time to proceed with the directing terrorism charge.

5. Mr Crawford has no relevant previous convictions and there is nothing further pending against him.

6. It is accepted that there has been delay in bringing this matter to trial which is relevant in relation to the sentence of the court. Delay is not attributable to prosecution or defence.

[13] I keep the terms of the basis of plea to the forefront of my mind and I sentence both defendants in keeping with the contents of this document and within its parameters.

Defence Mitigation

[14] Mr Hutton, in the course of lengthy submissions on behalf of the accused, Carl Reilly, first of all observed that the circumstances of this particular offence do not display any aggravating features and the terrorist nature of the offence is not a matter of aggravation but rather a constituent element of the charge. He then moved on to address the court on the question of delay.

[15] Mr Hutton referred the court to the English Court of Appeal decision in *R v Prenga* (2017) and submitted that it is well established that a sentencing judge may reduce a sentence that would otherwise be imposed to achieve justice and to reflect exceptional factors. He stated further that where proceedings are unduly delayed the delay may count as a mitigating factor in appropriate circumstances. I note from *Prenga* that the threshold is necessarily a high one and the authorities suggest it is not easily crossed. Mr Hutton also referred the court to the reasonable time requirement in article 6 of ECHR.

[16] Mr Hutton then went on to identify the lengthy period over which the defendant was subject to stringent bail conditions involving tagging and restrictions on movement. These severe bail conditions were observed and there was never any issue of breaches leading to revocation of the bail granted. The court was made aware that the defendant has experienced serious health difficulties. He contracted cancer and was treated in Bridgewater Medical Centre and continues to be an outpatient there. Various bail variations were made to accommodate this treatment. His wife has suffered from mental health issues, and he has been an invaluable source of support for her.

[17] Mr Hutton emphasised the significance of the plea of guilty. There were major triable issues in the case. The court was saved from an arduous and complex trial involving police witnesses from two jurisdictions many of whom would be subject to anonymity and special measures. The court was also provided with a number of testimonials submitted on behalf of Mr Reilly including trade unionists, a teacher, priests and a representative from the voluntary sector. The documents furnished testify as to his character, employment circumstances and voluntary community work. One of the documents relates to his son Karl and comes from a

senior teacher who outlines in some detail the impact the period on remand had on the child. There is another reference from a manager at his wife's work as to her mental health issues and the impact it had on her employment.

[18] Mr Larkin urged clemency on behalf of the defendant Paul Crawford. He made it clear from the outset that his primary written submissions echoed many of the mitigating factors that Mr Hutton had urged upon the court. Mr Larkin emphasised the significance of the admission of guilt on the one count that he faced, the foundation of which has been accepted in the basis of plea document. The plea was entered by the defendant against a background of complex and substantial triable issues as to the admissibility of the voice attribution and content evidence relied on by the prosecution which was the core of the case against the defendant. Consequently, a considerable saving was made on court time, resources and expenditure.

[19] Mr Larkin then went on to explore the nature of his client's participation in the conversation. He emphasised that Crawford's engagement was not on equal terms and that he was very much a passive and lesser participant. One important feature that the court was asked to reflect on was that Oglaigh Na hEireann called a ceasefire in January 2018 and that therefore the only proscribed organisation relevant to this case is now inactive. Mr Larkin sought to distinguish this situation from the backdrop to other reported cases.

[20] The court was then asked to take into account the delay in this case and in particular that in addition to having this matter hanging over his head for a number of years he was also subject to strict and onerous bail conditions.

[21] I was also supplied with a report on the accused Crawford from Mr Joe Dwyer an eminent educational psychologist. This comprehensive report dealt with the impact these charges and the delay in the matter being dealt with had on the accused and his wife and children which I have been asked to take into account. I have also been provided with personal testimonials from his employer and family members including his wife and parents. As far as his employment is concerned Mr Larkin updated the court as to the current circumstances of his employer who has been hospitalised as a result of which even greater responsibility has fallen on the defendant's shoulders. Mr Larkin did not open the family references because of the sensitivity of them but I take their contents into account.

Sentencing

[22] I am grateful to all counsel for referring me to a series of authorities in this area. In looking at these cases I recognise that comparisons of sentences in other cases must be carefully undertaken since they are usually highly fact-specific and cannot therefore provide an infallible guide to the appropriate sentence even where circumstances are similar. The other problem with this offence is that one rarely encounters it as a stand alone charge and it is usually accompanied by other, usually

more serious, terrorist offences. Where the charge of membership occurs with other offences inevitably that has an impact on the length of the sentence. Both defence counsel directed my attention to two cases: *R v Cunningham* [2005] NICC 45 a decision of Gillen J. and *R v Shoukri and others* [2008] NICC 20 where the sentencing Judge was Coghlin J. The prosecution by contrast referred me to *R v Declan Crossan* [1989] 2 NIJB 72 and *R v Glennon* (1995) which the addressed the issue of deterrence and sentencing for membership.

[23] Both Mr Hutton and Mr Larkin took issue with the prosecution submission in respect of the cases of *Crossan* and *Glennon* which they contended were outdated and took place in an entirely different factual context to the present case. Furthermore, it was pointed out that each of those cases related to an operational proscribed organisation which was active in committing acts of terrorism in marked distinction to the present case where the proscribed organisation called a ceasefire over 5 years ago.

[24] In *Cunningham* the accused was sentenced for membership of a proscribed organisation, namely the UFF. The facts were that he had taken part in a television documentary entitled "Gangsters at War" where he acted as a spokesman for the Ulster Political research Group. In the same programme a man was depicted wearing a balaclava representing the UFF at a press conference. The defendant was identified as the masked man on the footage. He did have previous convictions. He was sentenced to two and a half years on his plea of guilty to membership.

[25] In *Shoukri and others* five defendants were sentenced for offences including membership of a proscribed organisation namely the UDA arising out of a raid by police on premises which disrupted a rehearsal for a meeting commemorating and glorifying the UDA which included a show of strength by men in paramilitary uniform. *Shoukri* and *McKenzie* each received 15 months' imprisonment for membership of a proscribed organisation. The submission advanced was that these 2 cases provided a comparable guidance for the sentencing exercise in the present case. In Crawford's case it was contended that the appropriate sentence would be in the same range as *Shoukri* but at a lower level because of the limited antecedents and the other mitigating factors.

[26] By way of reply, Mr Murphy drew my attention to the first instance decision of Colton J in *R v Morgan and others* [2020] NICC14 and, in particular, to the sentencing remarks in respect of the lead defendant, Seamus Morgan, who like these defendants, faced a standalone charge of membership. He was identified as being present at a location in Newry when he was arrested along with others. He did not play a significant role in the recorded conversations but is clearly part of the group and appears to be accepted by the others. He did have a previous terrorist conviction but of some vintage. Ultimately, allowing for the plea of guilty and modest adjustments due to restraints on his liberty during a lengthy period on bail together with the impact of the Covid-19 restrictions the court imposed a sentence of three years' imprisonment (from a starting point of 4 and a half years).

[27] A large part of Mr Hutton's oral address to the court related to the applicable sentencing regime. Mr Hutton analysed the recent legislative changes and concluded that a series of amendments introduced by the Counter-Terrorism and Border Security Act 2019 and the Counter-Terrorism and Sentencing Act 2021 which appears to relate to all offences committed contrary to section 11 since May 2008 materially changes the sentencing regime applicable to that offence in that:

(a) The status of the offence has been amended materially from one which was neither a specified nor serious offence to one which is now specified by virtue of being a specified terrorism offence.

(b) The nature of the disposal available to the s.11 offence has materially changed in that whilst previously, in 2015, no Extended Custodial Sentence was available in respect of such offences, now in 2023 such disposals are available. An entirely new type of sentence has been made available for the section 11 offence which had not been available when the offence here was committed.

(c) The Extended Custodial sentence represents not just a new type of sentence, but a material increase in sentence

(d) The offender loses the opportunity of having any sentence of imprisonment suspended where the Extended Custodial sentence is imposed.

(e) The new/altered sentence that is available brings with it additional inhibitions in that the prisoner is not released automatically at expiry of the custodial period, but release is subject to a positive determination by the Parole Commissioners

[28] It was forcefully submitted by Mr Hutton that the cumulative effect of the amendments would be a clear breach of the law against retrospective penalties enshrined in Article 7 ECHR and protected by the Human Rights Act 1998. Mr Hutton is quite accurate in his analysis of the relevant legislation. The chronology is that, in 2021, in response to two particular terrorist attacks, Parliament decided that sentencing in terrorist cases should be tougher than before. The 2021 Act introduced Article 15A into the Criminal Justice (NI) Order 2008 with the following main effects:

- A term of imprisonment can no longer be suspended.
- The custodial element of any term of imprisonment will now be two-thirds, not a maximum of 50%.
- Release even after two-thirds of the sentence has been served will no longer be automatic but will be a matter for the Parole Commissioners.

- At the end of the term of imprisonment there will be an additional year on licence.

- In some cases an extended custodial sentence can be imposed.

[29] In the case of *Morgan and others* the defendants were sentenced by Colton J in November 2020, well before the new law which came into effect on 30 April 2021. He specified, in accordance with article 8, that the defendants would each serve 50% of their sentence in custody with the remainder on licence. During their time in custody the new provisions came into force, and they were told that they would no longer be released at the expected time, when 50% of their sentence had been served. Instead, they would have to serve two-thirds of their sentence and then have their release considered by the Parole Commissioners.

[30] That decision was challenged, and the case made its way to the Supreme court. In that court's unanimous judgment, the challenge failed. The court affirmed that it was not material that the criminal offences had been committed in 2014, before the law in sentencing was changed in 2021. Nor did it matter that Colton J had specified in November 2020, again, prior to the 2021 Act coming into force, that they would serve half of their sentence in prison and then be released. The Supreme court held that neither of those facts inhibited the application of the new tougher sentencing provisions.

[31] Specifically, it rejected the argument that there had been a breach of article 7 ECHR which in part provides:

> "Nor shall a heavier penalty be imposed than the one that was applicable at the time the criminal offence was committed."

[32] It also rejected an argument that the extra time which was to be spent in prison (the difference between 50% of the sentence and a minimum of two-thirds of the sentence) breached the right under article 5(1) ECHR to the right to liberty or the right only to be lawfully detained after conviction by a competent court. The rationale for the Supreme Court's approach was that the Crown Court sets the term of imprisonment when it passes sentence under article 7 of the 2008 Order. However, the fact is that the Supreme Court reached its decision on the basis that there is simply no breach of articles 5 or 7 ECHR.

[33] This well-crafted and in some respects ingenious argument of Mr Hutton has already been rejected by O'Hara J in the case of *R v Perry* earlier this year and, like O'Hara J, I am bound to follow the decision of the Supreme Court in *Morgan* and I do so since it applies directly to the circumstances of this case.

[34] It is necessary for me to deal with the issue of the assessment of dangerousness. This offence to which the defendants have entered pleas of guilty is

now a specified offence under the Criminal Justice (NI) Order 2008. The assessment of dangerousness is dealt with in Article 15 of the 2008 Order in the following terms:

> "15.-(1) This Article applies where -
>
> (a) A person has been convicted on indictment of a specified offence;
>
> (b) It falls to a court to assess under Article 13 or 14 whether there is a significant risk to members of the public of serious harm occasioned by the commission by the offender of further such offences.
>
> (2) The court in making the assessment referred to in paragraph (1)(b) -
>
> (a) Shall take into account all such information as is available to it about the nature and circumstances of the offence.
>
> (b) May take into account any information which is before it about any pattern of behaviour of which the offence forms part.
>
> (c) May take into account any information about the offender which is before it."

[35] It therefore falls on the court to assess whether there is "a significant risk to members of the public of serious harm occasioned by the commission by the offender of further such offences." As per the statute the court must take into account the matters referred to in Article 15(2). The test for dangerousness is set out in the leading case of *R v Lang* [2005] which has been followed in this jurisdiction by the case of *R v EB* [2010]. There have also been helpful observations about these provisions in *R v Kelly* [2015] NICA 29.

[36] The test that I must apply, is whether the risk of serious harm occasioned by the commission of further specified offences is significant, which is a higher threshold than mere possibility or occurrence. Factors to be taken into account in assessing the risk include the nature and circumstances of the current offence, the offender's history of offending including not just the kind of offence, but its circumstances and the sentence passed, whether the offending demonstrated any pattern and the offender's thinking and attitude towards offending. Of course, while the court is not bound by it the assessments carried out in pre-sentence reports by probation officers are often of great assistance in carrying out this task. However, as in cases of this nature there are no such reports.

[37] In approaching this exercise and how one applies it in terrorist cases I have been greatly assisted by the judgment of Morgan LCJ in *R v Wong* [2002] NICA 54 as follows:

> "[15] What all of these cases demonstrate is that the assessment of whether an offender presents a significant risk of serious harm requires a careful analysis of all of the relevant facts in the particular case. This is required just as much in a case involving convictions for terrorist offences as in other cases. In such cases the matters likely to require consideration will usually include:
>
> (i) the nature of the harm to which the offence was directed;
>
> (ii) the intention or foresight of the offender in relation to that offence;
>
> (iii) the stage at which the offending was detected;
>
> (iv) the sophistication and planning involved in the commission of the offence;
>
> (v) the extent to which the conduct of the offender demonstrates a significant role in the carrying out of the offence;
>
> (vi) the previous conduct of the offender;
>
> (vii) the danger posed by the terrorist organisation in question;
>
> (viii) an assessment of the extent to which the appellant is committed to or influenced by the objectives of that terrorist organisation; and
>
> (ix) where there is a dispute about these matters, a Newton hearing may be appropriate.
>
> In terrorist cases the decisions of **Xhelollari** and **Nouri** may well be of limited assistance. In those cases the Court was examining the risk posed of a future loss of control in circumstances where the offender took advantage of a vulnerable woman. In terrorist cases the risk is unlikely to depend upon loss of control or the

> vulnerability of the victim but rather the evidence of the offender's commitment to participation in the activities of the organisation."

At paragraph [21] the court said:

> "[21] We wish to emphasise that in cases involving firearms and explosives, even with a terrorist background, the court should be careful not to make the assumption that the offender is dangerous. The risks posed by those involved in such offences can vary enormously and each case will be heavily fact sensitive."

[38] Notwithstanding the serious nature of the charges I have come to the conclusion that each of the defendants do not meet the statutory test and I am not satisfied that there is significant risk to members of the public of serious harm occasioned by the commission by these defendants of further specified offences. I am particularly influenced by the behaviour of both defendants while on bail for a number of years and subject to significant restrictions. There have been no breaches which necessitated recall. I have also been impressed by the testimonials submitted on their behalf. Both men have previous convictions. In Crawford's case these are not of a terrorist nature and as far as Reilly is concerned there is a relevant antecedent, but it is now getting on for a quarter of a century ago. Accordingly, in the light of this conclusion it is not necessary for me to consider the issue of extended sentences.

[39] As far as the appropriate sentence is concerned, I must bear in mind the terms and content of the agreed basis of plea between the parties and in particular the lesser role attributed to the defendant Crawford. I have been urged by defence counsel to look carefully at the cases of *Shoukri* and *Cunningham* which dealt with membership only and that my sentences in this case should not be out of sync with the disposals in those authorities. I am asked to ignore the prosecution's submission that *Crossan* and *Glennon* are relevant, and I note that those cases involve murder and conspiracy to murder and firearms offences in addition to membership. Mr Murphy asked me to look at the first instance case of *Morgan* and in particular at the sentence imposed on the lead accused who like these defendants, faced a charge of membership alone. I must say that I found the *Morgan* case of greater assistance and more comparable guidance for the sentencing exercise involved in these cases.

[40] All of the accused in *Morgan* faced membership charges but *Morgan* himself was the only one who was charged with membership and nothing else. I note what Colton J said about the nature of the recorded conversations:

> "At their most serious the conversations relate to potential strategies for their organisation including how to deal with other "dissident" Republican organisations,

> the size and structure of their organisation, the identification of possible targets, training and sourcing of weapons and materials for pipe bombs and sources of funding for criminal activities including robbery.
>
> The audio of the conversations demonstrates that this was a meeting where organisational structure, fundraising by way of robbery, embryonic attack planning, the obtaining of munitions and recruitment were all discussed. Three of those present had travelled significant distances from the Republic of Ireland and the defendant Hannaway had travelled from Belfast.
>
> In the course of the conversations there are extensive discussions about firearms and explosives. Blair can be heard instructing one of the persons present how to make a pipe bomb. They discuss how such devices could be deployed such as placing one on a road with it lined up for approaching vehicles that had been brought there by "come on" phone calls. There are discussions about who might be joining their group and who was involved with other dissident groups. They discuss how weaponry might be obtained. There are conversations about carrying out burglaries/robberies to obtain legal firearms held by others."

[41] It is quite clear that the recorded conversations in *Morgan* are as the result of eleven separate meetings and not one as here; furthermore the nature and tenor of those conversations support not just membership but other terrorist offences. It is worth recalling what Colton J said about the nature of the recordings:

> "The contents of the discussions make grim and depressing reading. It is the overwhelming wish and the expectation of all right-thinking law abiding citizens in this jurisdiction that the days of shootings, killings and explosions should be confined to the past. It is clear from the contents of the discussions of those who were present at the meetings described (to varying degrees) that they were willing to return us to the days which so disfigured our society.

[42] It is hard not to strongly agree with those sentiments and it is clear that the discussions which are the subject of this prosecution are not as extensive or sinister as those in the *Morgan* case but nonetheless they represent disquieting and disturbing twisted views which simply have no place in our society, and it is apparent that the contents fully support the charge of membership.

[43] I note that the starting point in *Morgan's* case was one of four and a half years and his co-accused (who faced other charges) received sentences of five years and in one case four years. The ultimate sentence imposed on *Morgan* was three years. Accordingly, before I apply the appropriate discount for mitigation the starting point for Reilly is in my view four years' imprisonment and for Crawford to reflect his lesser role and the absence of a relevant previous conviction two years and three months' imprisonment. I have been directed to a number of mitigating factors by both defence counsel, the passage of time and delay, the rigorous bail conditions over a lengthy period, the triable issues in the case and personal matters relating to the defendants and their families. In particular in that regard as far as Crawford is concerned, I have been furnished with Dr Dwyer's report which emphasises the traumatic impact and effect of the delay and the imposition of restrictive bail conditions over a prolonged period of time on the defendant and his family especially the children.

[44] However, the real and substantial mitigating feature in this case is the defendants' pleas of guilty. They were not entered at the earliest opportunity, but it is clear that they were of considerable utility. They have saved substantial court time and huge public expense. The pleas are to be welcomed and encouraged. The presence of triable issues underscores the value of those pleas to the Prosecution.

[45] If I regard the mitigating factors collectively, in my view the constellation of those features reduce the sentence in Reilly's case to one of 30 months imprisonment and in Crawfords to one of 18 months. In arriving at these sentences I take account of the fact that these cases arise out of an incident that occurred almost a decade ago and the nature and content of the basis of plea document.

[46] This sentence means that notification requirements specified in the Counter-Terrorism Act 2008 are triggered. I will make any necessary orders suggested or agreed by the parties. It appears to me that because of the sentences I have imposed the defendants will be subject to the notification requirements for 10 years - see section 53(1)(c) of the 2008 Act. The requirements have to be complied with within three days of the defendants' release from custody, whenever that might be.