Judicial Communications Office

19 March 2025

COURT SENTENCES FOR IAN OGLE MURDER

Summary of Judgment

Sir David McFarland, sitting today in Belfast Crown Court, sentenced five men for the murder of Ian Ogle on 27 January 2019 and four others for offences of withholding information or assisting an offender.

Background

On 27 January 2019, Ian Ogle ("the deceased") was attacked at approximately 21:30 by five men in Cluan Place, Belfast close to its junction with the Albertbridge Road. A postmortem report found that he had been stabbed a total of 11 times, and the cause of death was certified as a stab wound to the chest. The deceased also had a fractured skull, 37 bruise sites and seven abrasion sites to his face, head and other parts of the body which could have been caused by punches or kicks from a shod foot. The attack lasted for about 30 seconds.

The court in summarising the murder said it was committed by five men against a single man:

> "Although a spontaneous and rapid reaction to an attack on an associate, it was pre-planned, involving an assembling of the group and then transport of the group to the murder scene. Ervine and Spiers had pre-armed themselves with weapons, and in addition kicking and stamping the body involved shod feet as a weapon. The attack was carried out on the public street and in the presence of members of the public, with a direct threat being made to one man that he was not to speak about the attack. The attack had a two-fold purpose – to seek vengeance against Ian Ogle and to intimidate both him and his wider family and associates, out of the area and in furtherance of what is clearly some factional turf-war."

As for the intention of each of the group, the court said that Brown and Sewell when pleading guilty to the murder indicated that they did so of the basis that they did not intend to kill the deceased, and that both were unaware that Spiers was carrying a knife and intended to use it. The Crown accepted this. Ervine, Rainey and Spiers offered no explanation about their respective intentions. The court was satisfied beyond reasonable doubt that Spiers brought the knife from his home and having used it to deliver 11 separate stabs to the deceased, he intended to kill him. In the absence of any evidence, the court said it could not infer that either Ervine or Rainey had an intention which differed from Brown and Sewell and, therefore, found that both intended to cause the deceased really serious harm.

The sentences for Morrison, McCartney, Haire and Kirkwood

The offences of assisting offenders and withholding information are very fact-specific and there is no real sentencing guidance. The important factors are the nature and extent of the criminality of the offender – in this case a murder; the nature and extent of the assistance provided; and the extent to which that assistance damaged the interests of justice. Similar factors apply to the withholding information offence with emphasis being placed on the gravity of the principal

offence, the information which was being withheld and how that impacted on the interests of justice.

Jill Morrison was the partner of Jonathan Brown at the time (she subsequently married him) and has two children. She left the home they shared on the night of 27 January 2019 with a bag containing £1,680 in cash and some clothing that had been worn by Brown during the attack. She put the bag into the boot of their Seat Leon and drove it into an adjacent cul-de-sac. The court said this was to move the car away from a direct line of sight from Newtownards Road and was a "holding" action in anticipation of the car being moved at a later stage. The car, however, was located by the police shortly afterwards and they called with Morrison at 22:00. She related this to Brown who then called **Thomas McCartney**, their next-door neighbour, who took receipt of the car keys from Morrison and took them to his house. The case against Morrison was that she assisted Brown by placing the bag in the car, moving the car and passing the keys to McCartney who in turn assisted Brown by receiving and retaining the car keys.

The court was satisfied that at the time of their criminal conduct, both Morrison and McCartney were aware that Brown had committed an assault on the deceased but would not have been aware of his death. It said that although they assisted Brown at the time, none of their acts actually impeded the police investigation, the arrest of Brown and his successful prosecution. Once Brown became aware of the police presence at his home, he called **Christopher Haire** who picked him up, drove him to Sewell's house and collected him again. The court said that as with Morrison and McCartney, at the time Haire was aware of the assault but not the murder. **Reece Kirkwood** had been in regular contact with Ervine and Brown on the night of the attack. The court was satisfied that Kirkwood had acquired information about the killing, both in its planning stage and in its aftermath, and that he failed to inform the police.

The court imposed the following sentences:

- **Morrison** was the first of the defendants to plead and it was recognised that such pleas in multi-defendant trials can assist the prosecution. The court considered her culpability to be low, notwithstanding that this was a serious offence. In mitigation it took into account her clear criminal record and her significant caring responsibilities for her two children, particularly the younger one who suffers from an extremely rare condition. It also took into account what has been considerable delay which has impacted on everyone involved, particularly the victim's family, however, it was recognised that significant delay between the time a person is charged and before a sentence is imposed can be a mitigating factor. In the circumstances, the court imposed a prison sentence of 18 months suspended for a period of three years.

- **McCartney** – the court said that he would too have known about Brown's assault but not that his victim was dead. His assistance was spontaneous in nature after a request from a neighbour and did not impede the investigation. The court said that although it was a serious offence his culpability is therefore low. McCartney was assessed by the Probation Board as having a low likelihood of reoffending. He pleaded guilty, although at a late stage just before the commencement of his trial. There has also been delay in his case. The court imposed a custodial sentence of 12 months, suspended for three years.

- **Haire** – the court said he too was aware of the assault and his purpose was to impede the apprehension of Brown. His actions were successful to the extent that they allowed Brown

to leave the jurisdiction, although because Brown voluntarily returned several weeks later there was little impact on the overall investigation. The court regarded his culpability as being in the medium category. Haire has a clear criminal record, although was in possession of a small amount of cocaine when he surrendered himself to police on 30 January 2019. He has some limited caring responsibilities and again, delay was a factor to be taken into account. The court imposed a suspended sentence of two years with a period of suspension of three years.

- **Kirkwood** withheld information. The court said that given his contact with some of the principals in the murder, both before and after the assault, he had information that would have assisted the police in relation to their investigations but chose to withhold this. It said he was clearly aware that an assault was planned and that it had been carried out. At some stage, he would have been aware that the deceased had died as a result of the assault. The court recognised the pressure which Kirkwood may have been under not to divulge this information given his social ties with the other defendants. He did not, however, offer this as an excuse for his lack of action. Kirkwood has a limited criminal petty sessions record with prior convictions for criminal damage, theft, assaults and drugs offences. The Probation Board assessed him as presenting a medium likelihood of reoffending. The court said that although his actions did not have a significant impact on the overall investigation of the murder, his culpability was assessed to be medium in the circumstances. It took into account certain mitigating circumstances relating to his upbringing and caring responsibilities. It also noted that he entered a plea of guilty, although it was just before his trial was due to commence and again there was delay in this case. The court imposed a suspended sentence of two years, suspended for three years.

In imposing these sentences, the court commented that suspended sentences are prison sentences, but they are suspended in operation. If an offence is committed during the period of the suspension, which commences today, the court dealing with that second offence can consider putting any suspended sentence into operation.

Sentences for Brown, Sewell, Rainey, Ervine and Spiers

The guidance on sentencing tariffs for murder in Northern Ireland is set out in the case of *R v Whitla* [2024] NICA 65 which re-calibrated the earlier guidance contained in the decision of *R v McCandless* [2004] NICA 1. The current guidance is that the normal starting point is 15/16 years, with a lower starting point of 12 years for cases of low culpability and a higher starting point of 20 years for cases involving exceptionally high culpability.

The court listed the aggravating factors which apply to each of the defendants:

(a) This was a pre-planned murder;
(b) It was a revenge vigilante attack;
(c) It involved a group of five men and was perpetrated against a single, unarmed, man;
(d) It was a sustained attack with the use of weapons, including shod feet, with multiple injury sites on the deceased's body;
(e) The murder was committed on the public street;
(f) Threats were made to a by-stander that he remain silent about the incident;
(g) There was a successful effort to dispose of incriminating evidence such as clothing and mobile phones;

(h) The underlying purpose of the attack was to intimidate a group of people and to force them to leave the area.

The court said it proposed to treat each of the five defendants in the same way as it was satisfied that this was a cohesive unit with a commonality of purpose. It commented that although Spiers had armed himself with a knife, without the knowledge of the others, and intended to kill Ian Ogle, given the overall conduct of the other four, it did not consider that lesser intention on their parts is significant and could be regarded as a mitigating factor. Similarly, the court said it was Sewell who issued the threats to two relatives of the deceased in the Prince Albert Bar moments before and the threats that were made to a man standing with the deceased at the scene were uttered by an unidentified defendant, yet it was clear from the overall circumstances that each of the men shared these sentiments and acted to further that purpose.

The court took the delay in the case into account in respect of each defendant, but did not consider it to be a significant factor:

> "The personal circumstances of those who commit murder do not carry significant weight in the sentencing process. They will have received a mandatory life sentence and the purpose of the tariff is to satisfy the requirements of retribution and deterrence. The question of rehabilitation and ultimate release, if at all, will be for the Parole Commissioners to decide in due course."

Jonathan Brown has a limited criminal record and a reasonably settled family life with a good work record. Since his imprisonment he has appeared to have engaged constructively within the prison environment. The court was asked to consider the potential that Brown may have intervened to restrain Spiers when he was attacking Ian Ogle with the knife but it said that in all the circumstances given the lack of any real specific evidence concerning his conduct during the attack and taking into account his conduct afterwards, it did not accept that he was some sort of restraining influence during the attack.

Mark Sewell again has a limited criminal record although it does include an offensive weapon offence committed in 1998 for which he received a fine. He too has had a largely settled family life and engaged positively with prison services.

Glenn Rainey did not co-operate in the preparation of a pre-sentence report so there is limited information about his background. He has received a significant sentence of four years for drugs offences committed after the murder. The court said that while this would not be directly relevant it does reflect his state of mind after the murder and a failure to cease his criminal activity.

Walter Ervine has a limited criminal record which includes the possession of a weapon in 2018 for which he received a fine. He had a reasonably settled family life and had a good work record.

Robert Spiers did not co-operate in the preparation of a pre-sentence report, so the court had no details about his personal circumstances. He has a limited criminal record.

Brown and Sewell pleaded guilty to their involvement in the murder. They did so at a late stage just before the commencement of the trial, but it was recognised that their admissions would have assisted the prosecution in the presentation of its overall case, but only to a limited extent.

The court commented that whilst there will be murders which fall into certain broad categories such as those arising from domestic incidents or from street fights, this murder has certain unique qualities:

> "I have already identified the features of this murder when setting out the aggravating factors. One aspect, which is a compelling factor, was the overall purpose of the attack and the attempt to intimidate the wider family of Ian Ogle and those who associate with them. To that extent this murder has certain parallels with paramilitary punishment attacks with have been all too common in our community. I therefore consider, given this background and the multiplicity of the aggravating factors that I have identified, that this murder falls within the category with the higher starting point of 20 years. In the event that I am wrong about the category of the starting point, I am satisfied that even if the normal starting point is the correct approach, a substantial upward adjustment (a course suggested at para [38] in *R -v- Hutchinson* [2023] NICA 3) would follow as there are several additional and significant aggravating factors that would elevate the tariff to one of 20 years."

In the cases of Brown and Sewell their guilty pleas were recognised by a reduction of two and a half years. The court referred to the guidance in *R v Turner* [2017] NICA 52 which suggests a reduction of one sixth should a plea be entered on arraignment. It said that in this case the pleas were entered much later and on the eve of trial, and therefore a lesser reduction is justified:

> "The sentence already imposed on each of Brown, Sewell, Rainey, Ervine and Spiers is one of life imprisonment, and the tariffs that Rainey, Ervine and Spiers will serve before consideration for release will be 20 years and the tariffs Brown and Sewell will serve before consideration for release will be 17½ years."

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 (https://www.judiciaryni.uk/).

ENDS

If you have any further enquiries about this or other court related matters please contact:

Alison Houston
Lady Chief Justice's Office
Royal Courts of Justice
Chichester Street
BELFAST
BT1 3JF

E-mail: LCJOffice@judiciaryni.uk