

Neutral Citation No: [2025] NICC 6

Ref: McF12729

*Judgment: approved by the court for handing down
(subject to editorial corrections)**

ICOS No: 20/076746

Delivered: 19/03/2025

**IN THE CROWN COURT OF NORTHERN IRELAND
SITTING AT BELFAST**

THE KING

v

**JONATHAN BROWN
MARK SEWELL
GLENN RAINEY
WALTER ALAN ERVINE
ROBERT SPIERS
JILL MORRISON
THOMAS McCARTNEY
CHRISTOPHER HAIRE and
REECE KIRKWOOD**

**Mr D McDowell KC with Ms R Walsh KC and Ms L Cheshire (instructed by Public
Prosecution Service for Northern Ireland) for the Crown**

**Mr G Duffy KC with Mr T McCreanor BL (instructed by McConnell Kelly Solicitors) for
Brown**

Mr S Toal KC with Mr S Mullan BL (instructed by Donnelly & Wall Solicitors) for Sewell

Mr G Berry KC with Mr S Devine (instructed by McConnell Kelly Solicitors) for Rainey

**Mr R Weir KC with Ms S Gallagher (instructed by Andrew Russell & Co Solicitors) for
Ervine**

**Mr K Mallon KC with Mr A Thompson (instructed by McCann & McCann Solicitors) for
Spiers**

**Mr C MacCreanor KC with Mr L Curran BL (instructed by McConnell Kelly Solicitors)
for Morrison**

**Mr J Kearney KC with Mr P Taggart BL (instructed by Andrew Russell & Co Solicitors)
for McCartney**

**Ms E McDermott KC with Ms K Doherty (instructed by Harte Coyle Collins Solicitors)
for Haire**

**Mr N Connor KC with Mr R McConkey KC (instructed by McConnell Kelly Solicitors)
for Kirkwood**

SENTENCING REMARKS

SIR DAVID McFARLAND

(sitting in the Crown Court as a High Court Judge in retirement)

Introduction

[1] Jonathan Brown, Mark Sewell, Glenn Rainey, Walter Ervine, Robert Spiers, Jill Morrison, Thomas McCartney, Christopher Haire and Reece Kirkwood fall to be sentenced for offences relating to the murder of Ian Ogle on 27 January 2019. Brown, Sewell, Rainey, Ervine and Spiers for the murder, Morrison, McCartney and Haire for assisting Brown in the aftermath of the murder, and Kirkwood for withholding information about the murder.

[2] Rainey, Ervine and Spiers were convicted after a trial, and my judgment in respect of that trial sets out significant detail relating to the events concerning the murder, and the events both before and after it. That judgment is reported at [2024] NICC 32.

Background

[3] The Crown adduced evidence from a number of witnesses who were members or associates of the wider Ogle family. They gave evidence about various incidents prior to 27 January 2019. The headline incident appeared to be a pub brawl in the Prince Albert Bar on 1/2 July 2017, between two factions. One faction comprised members of Ian Ogle's family and their associates and the other an assorted group of individuals which included Brown, Ervine and Rainey. The pub brawl seemingly began over the working hours of a DJ but given what happened that night and what continued to simmer over the subsequent months culminating in Ian Ogle's murder, there was clearly a more long-standing and deep-seated dispute and animosity with echoes of a turf war within the Newtownards Road/Albertbridge Road area. At one point later that year Ervine made threats to Ogle family members that Ian Ogle would not be allowed to walk on the Newtownards Road and that his son Ryan Johnston would be killed.

[4] One significant fact is that Neil Ogle, a second cousin of Ryan Johnston, appeared to side with the faction opposed to the Ogle family.

Incident on the Beersbridge Road on 27 January 2019

[5] At about 20:45 on 27 January 2019 Ian Ogle and Ryan Johnston were driving along Beersbridge Road. They saw Neil Ogle walking along the road on his own. Ryan Johnston got out of the car and ran towards Neil Ogle and then started attacking him. Ian Ogle also got out of the car and although he did not appear to punch Neil Ogle he did grab and hold him saying to Ryan Johnston to "get into him son."

[6] This vicious and unprovoked attack lasted a short time before Neil Ogle ran off towards his partner's house bleeding from his eye. Neil Ogle was on his mobile

telephone and Ian Ogle shouted at Neil Ogle to “get Saucy (a reference to Rainey) and Sewell” which would appear to be a challenge laid down by Ian Ogle that there should be a fight.

[7] Ian Ogle and Ryan Johnston then drove on to the Ogle house in Cluan Place.

[8] Had this incident been dealt with properly, with a report to the police and then an arrest of both Ian Ogle and Ryan Johnston, and their likely prosecution and punishment, the matter would have ended there.

[9] However, Neil Ogle decided not to involve the police and telephoned Brown instead, setting in train a series of events which was to result in Ian Ogle’s death three quarters of an hour later when he was attacked by Brown, Sewell, Rainey, Ervine and Spiers in what can only be described as a very public display of a revenge vigilante attack. The attack was not only directed at Ian Ogle, but given his patriarchal role, at his wider family and associates. It was aimed to strike fear into that group and anyone who associated, or would have wished to associate, with them. The intention, as had been articulated by Sewell only a matter of minutes before the attack, was to drive this faction out of the area, and possibly even out of the country.

[10] Following Neil Ogle’s call to Brown, the group of five men assembled to carry out the attack. Brown used Morrison’s car to first pick up the others who had almost certainly assembled at Sewell’s house and then drove to the Prince Albert Bar.

[11] They arrived there about 21:15. Lisa Duffield is the partner of Ian Ogle’s brother. She was with her mother Hetty Duffield who was working at the bar. Sewell burst into the bar. He referred to Neil Ogle lying in a pool of blood and that she had got him set up. He said that she was “f***ing getting put out of the country, you and your family.” He then said to Hetty Duffield that she was “out too.” Brown then drove the car off eventually parking up in the Templemore Avenue area when the five men went round to Cluan Place.

[12] Their movements on Albertbridge Road were captured by CCTV. All of the men were wearing scarves, hats and zipped up coats in an attempt to hide their identities. Two were armed with weapons. Spiers had a 13” knife which he carried in a back pocket with the handle down. Ervine was carrying what appeared to be a light-weight extendable baton.

[13] Ian Ogle was standing at the junction of Cluan Place and Albertbridge Road in the company of two men, one a local pastor. He was expecting the confrontation having issued the invitation, although may not have expected to have to fight five men on his own. He made no attempt to retreat or seek refuge in his home.

[14] The attack was captured on CCTV, although the images are poor. They do show a vicious attack by the five men. Each engaged fully in the attack. Ian Ogle was quickly overpowered and brought to the ground where he was struck again and

again. At the conclusion of the assault one of the men said to a person called Gunning who had been talking to Ian Ogle just before the attack "if you f***ing say anything you will get the f***ing same."

[15] An autopsy found that Ian Ogle had been stabbed a total of 11 times. Eight of the stab wounds were clustered together in an area centred around the left side of the top of the back and one of these wounds had resulted in a partial transection of the wall of the aorta which resulted in catastrophic internal bleeding and rapid death. The cause of death was certified as a stab wound to the chest. The other injuries included a fracture of the skull involving the roof of the eye socket, and extensive bruising with abrasions to the face and head and other parts of the body. In addition to the 11 stab wounds there were 37 bruise sites in total, seven abrasion sites, one laceration and one puncture wound. There were numerous petechial haemorrhages. Some bruises could have been caused by punches whereas injuries on and around the ear and on the right side of the scalp were more likely as a result of a kick or kicks from a shod foot. By any definition, given the multiplicity of injuries caused over a period of only 30 seconds, this was a vicious attack.

[16] To summarise this murder - 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.

[17] As for the intention of each of the group, Brown and Sewell when pleading guilty to the murder indicated that they did so on the basis that they did not intend to kill Ian Ogle, and that both were unaware Spiers was carrying a knife and intended to use it. The Crown have accepted this. Ervine, Rainey and Spiers have offered no explanation about their respective intentions.

[18] I am satisfied beyond reasonable doubt that Spiers brought the knife from his home and having used it to deliver 11 separate stabs to Ian Ogle, he intended to kill Ian Ogle. In the absence of any evidence, I could not infer that either Ervine or Rainey had an intention which differed from Brown and Sewell and, therefore, find that both intended to cause Ian Ogle really serious harm.

[19] In the immediate aftermath of the killing, Brown drove to his home arriving at 21:39. Six minutes later Morrison left the home with a bag containing £1,680 cash and some clothing that had been worn by Brown during the attack. She placed the bag into the boot of the Seat Leon and then drove the car a short distance into an adjacent cul-de-sac. The purpose was to move the car away from a direct line of sight from Newtownards Road and to make it less likely to attract passing attention

from police. It could only have been a 'holding' action in anticipation of the car being moved at a later stage.

[20] At 21:50, the Seat Leon was however located by police. At this point I would like to place on record praise for the response of members of the public and the police. The registration number was noted by four people exiting Templemore Baths and their attention to detail and quick response in alerting the police meant that the car was located and secured within a very short period of the time. The praise for the police extends to cover the overall investigation which has been painstaking in nature.

[21] Meanwhile Brown had left his home on foot at 22:00. Police called with Morrison at 22:20 who later relayed this information to Brown. Brown later contacted his next-door neighbour McCartney and as a result of that call, McCartney went next door to receive the Seat Leon car keys from Morrison before returning with them to his house. The keys were located by police the next day. Morrison 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.

[22] I am satisfied that at the time of their criminal conduct, both Morrison and McCartney were aware that Brown had committed an assault on Ian Ogle but would not have been aware of his death. Although they assisted Brown at the time, none of their acts actually impeded the police investigation, the arrest of Brown and his successful prosecution.

[23] Once Brown had become aware of the police presence on Pitt Place he rang Haire at 22:05 and 22:12, and Haire picked Brown up off the street in his car, drove him to Sewell's house on Wye Street, and collected him again at 22:32. The next sighting of Brown was when he got into a car with Rainey at approximately 18:30 the next day. That car was driven by Rainey's cousin and they were driven to Dublin Airport. As with Morrison and McCartney, at the time Haire was aware of the assault but not of the murder. His actions did impede the arrest of Brown with the potential for loss of forensic material, although Brown returned to Ireland in early February when he was arrested.

[24] Kirkwood had been in regular contact with Ervine, and once with Rainey, after Neil Ogle had alerted Brown to the assault on him. After the murder Ervine was again in contact with Kirkwood, and Brown called Kirkwood twice around midnight.

[25] I am 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. There was some discussion about the relevance of the pre-killing information. Although the offence could only have been committed after the murder was committed, the offence incorporates information relevant to the apprehension, prosecution and conviction of an offender and must include information about what an offender was doing and saying both prior to, during and after the commission of

a crime.

Victim impact

[26] I have already said that Ian Ogle fulfilled a patriarchal role not only in his family, but within the community that associated with his family. I have read statements from his wife, his daughter, his son and his mother. The wife, daughter and son were on the scene very soon after the attack and therefore witnessed the horrific scene of their husband and father lying on the road. They, and Ian Ogle's mother, have spoken in very personal terms about their acute loss, and the impact that they have suffered to their mental health. They also speak of the ongoing feeling of unease within their community.

The sentences for Morrison, McCartney, Haire and Kirkwood

[27] I propose to now deal with the offences committed by Morrison, McCartney, Haire and Kirkwood after the murder.

[28] The offences of assisting offenders and withholding information are very fact-specific and there is no real guidance issued. Lord Judge CJ in *R v Yates* [2009] EWCA Crimm 2439 at para [34] offered some advice in relation to the assisting offence. 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.

[29] 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.

[30] Morrison was 36 at the time and is now 42. She has subsequently married Brown with whom she had been in a relationship at the time of the murder. It was that relationship which had motivated her to assist her partner when he requested her to do so. Her actions were clearly spontaneous in nature. At that stage, she was aware that he had engaged in a serious assault but could not have known that his victim was dead. Given the ability of the police to locate the car, her actions did not in any way impede the investigation.

[31] Although her guilty plea was late, just before the commencement of the trial, she was the first to plead and it is recognised that such pleas in multi-defendant trials can assist the prosecution.

[32] I therefore consider her culpability to be low, notwithstanding that this is a serious offence.

[33] In mitigation I take into account her clear criminal record. She has significant caring responsibilities for her two children, particularly the younger one. Dr Devine, a consultant clinical psychologist, has said that this child's condition is extremely

rare and that a loss of his mother's liberty, combined with the inevitable separation from Brown, would represent a severe attachment disruption. I also take into account what has been considerable delay. This has impacted on everyone involved, particularly the victim's family. It is however recognised that significant delay between the time a person is charged and before a sentence is imposed can be a mitigating factor.

[34] In the circumstances, Morrison will receive a prison sentence of 18 months but it will be suspended in operation for a period of three years.

[35] I will deal with the forfeiture of her car later.

[36] McCartney was the next door neighbour who responded to a request from Brown to collect and retain the keys of the car, at a time when the police had already found the car so presumably it was an attempt to distance Brown from his earlier use of the car, or potentially to give Brown access to the keys should the car become available to him at a later stage. Again, McCartney would have known about Brown's assault but not that his victim was dead. The assistance was spontaneous in nature after a request from a neighbour and did not impede the investigation.

[37] Although it is a serious offence his culpability is therefore low.

[38] McCartney is approaching his 38th birthday and was 31 at the time. He lives with his partner and his five children. He has maintained a good work record and is currently employed. He has a limited criminal record, which although it does not do him credit, is of modest relevance. He is assessed by the Probation Board as having a low likelihood of reoffending. He has pleaded guilty, although at a late stage just before the commencement of his trial. There has also been delay in his case.

[39] In all the circumstances, he too will receive a custodial sentence. The sentence will be for a term of 12 months, again suspended for three years.

[40] Haire assisted Brown by driving his car to collect Brown off the street, take him to Sewell's house and then take him away to an unknown location. He was aware of the assault and his purpose was to impede the apprehension of Brown. He was successful to that extent as it allowed Brown to leave the jurisdiction, although because Brown voluntarily returned several weeks later there was little impact on the overall investigation. I therefore regard his culpability as being in the medium category.

[41] Haire was 49 at the time and was Brown's godfather. He works in the trade of window installation and had been at Brown's home earlier on 27 January to make arrangements to install windows for Morrison. After the assault, he was later telephoned by Brown to make arrangements for the pick-up, so his actions were spontaneous in nature and reacting to a request, or possibly a demand, from Brown with whom he had close social ties.

[42] He had a clear criminal record, although was in possession of a small amount of cocaine when he surrendered himself to police on 30 January 2019. Although separated from the mother of his three children, he has some limited caring responsibilities. Again, delay is a factor to be taken into account.

[43] I propose to deal with Haire by imposing a suspended prison sentence. It will be for a longer period of two years given his medium culpability and will be suspended for three years.

[44] I now turn to Kirkwood who withheld information. 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. He chose to withhold this. 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 Ian Ogle had died as a result of the assault. The court recognises the pressure which Kirkwood may have been under not to divulge this information. He clearly has social ties to this group of men and would have been aware of the extreme nature of their conduct. He does not, however, offer this as an excuse for his lack of action.

[45] Kirkwood was 21 at the time. He has a limited criminal petty sessions record with prior convictions for criminal damage, theft, assaults and drugs offences.

[46] The Probation Board assess him as presenting a medium likelihood of reoffending.

[47] Although, ultimately his actions did not have a significant impact on the overall investigation of the murder, I do consider his culpability to be medium in the circumstances.

[48] I am taking into account certain mitigating circumstances. He has had a disrupted upbringing with his father spending long periods in prison and with extended social services involvement with the family. His grandmother, with whom he lived for a lengthy period of his childhood, died in 2023. He has some caring responsibility for his young son, although he does not currently live with him or the child's mother. There is no social work involvement in respect of these arrangements. He has been able to maintain a reasonable work record in recent times. This appears to reflect an effort on his part to deal with previous substance misuse issues which had resulted in him spending time in prison for offences committed subsequent to January 2019. He entered a plea of guilty, although it was just before his trial was due to commence. Finally, I take into account the delay in this case.

[49] Clearly his conduct attracts a custodial sentence and the only issue is whether it should be suspended in operation. In all the circumstances, I will suspend the sentence. The sentence is one of two years, suspended for three years.

[50] Each of Morrison, McCartney, Haire and Kirkwood have received suspended

sentences. 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

[51] Earlier in these remarks I summarised the conduct of this group and the attack on Ian Ogle. This was a pre-planned attack reacting rapidly to the assault on Neil Ogle. That reflected an element of organisation which enabled the group to assemble rapidly. Some of the group had pre-armed themselves and those weapons were used as well as shod feet. The attack was perpetrated on the public street in the presence of two by-standers, one of whom was threatened to maintain a silence. It was a vigilante attack aimed at punishing Ian Ogle and to intimidate him, his immediate family and the wider community that associated with him. The words of Sewell a few minutes before the murder to Lisa and Hettie Duffield indicated a threat that they would be put out of the country.

[52] The guidance on sentencing tariffs for murder is now set out in the recent case of *R v Whitla* [2024] NICA 65 which has 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.

[53] Mr Toal KC on behalf of Sewell has sought to argue that this is a case, as far as Sewell is concerned, which involves low culpability. In *Whitla* the Lady Chief Justice said that low culpability in murder cases would be a rare occurrence arising in only a small number of cases. This is not such a case given the significant aggravating factors which apply to this case.

[54] The aggravating factors, and they apply to each of the defendants, are as follows:

- (a) This was a pre-planned murder;
- (b) It was a revenge vigilante attack;
- (c) It involved a group of five masked 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 Ian Ogle'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.

[55] I am proposing to treat each of the five in the same way as I am satisfied that this was a cohesive unit with a commonality of purpose. 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, I do not consider that lesser intention on their parts is significant and could be regarded as a mitigating factor. Similarly, it was Sewell who issued the threats to the Duffields moments before and the threats that were made to Gunning at the scene were uttered by an unidentified defendant, yet it is clear from the overall circumstances that each of the men shared these sentiments and acted to further that purpose.

[56] For a variety of reasons there has been delay in the prosecution of this case. I take that delay into account in respect of each defendant, but I do 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.

[57] Brown was 33 years at the time with a limited criminal record restricted to road traffic matters. He has a reasonably settled family life with a good work record. Since his imprisonment he has appeared to have engaged constructively within the prison environment.

[58] I have been asked to consider the potential that Brown may have intervened to restrain Spiers when he was attacking Ian Ogle with the knife. This appears to arise from a text message sent by Brown to someone called Orla on 5 February 2019 just before he returned to Northern Ireland. It appears to be an effort on the part of Brown to concoct a lying account to minimise his involvement. He said, "they don't seem to have anything [on] anyone at all being there only me with this car and blood so I'm just saying I took people up it all kicked [off] I seen what the fella was doing and tried to stop it that's how I got blood on me."

[59] I was referred to the CCTV footage of the attack. Given the distance involved and the lack of quality, it is difficult to make out the exact detail of what each participant is doing. I accept that one person, with light coloured trousers, appears to pull another away. However that person then appears to return to the victim and kicks him.

[60] In all the circumstances given the lack of any real specific evidence concerning the conduct of Brown during the attack and taking into account his conduct

afterwards, I do not accept that he was some sort of restraining influence during the attack.

[61] Sewell was 41 at the time. Again, he 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, although he has suffered a bereavement of a son in 2021. He has a good work record and has engaged positively with prison services.

[62] Rainey was 33 at the time. He has not cooperated in the preparation of a pre-sentence report so there is limited information about his background. Prior to the murder he has a criminal record which did include a suspended sentence for an intention to supply drugs. He has received a significant sentence of four years for drugs offences committed after the murder. This would not be directly relevant but does reflect his state of mind after the murder and a failure to cease his criminal activity. It is reported by his counsel that his medical notes indicate a long history of drug misuse.

[63] Ervine was 37 at the time. He 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 with a partner and 11 year old child and had a good work record.

[64] Spiers was 38 at the time. He did not co-operate in the preparation of a pre-sentence report so I have no details about his personal circumstances other than the modest details provided to police during interview. He has a limited criminal record.

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

[66] I have referred to the case of *Whitla* and the various starting points. 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 which have been all too common in our community.

[67] 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.

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

[69] 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.

[70] I will make forfeiture orders in respect of the Seat Leon car, the £1680 cash seized found in the bag in the boot of the car, the complete knife set found in Spier's house and in the Connswater River and the extendable baton. I am satisfied that Article 11 of the Criminal Justice (NI) Order 1994 applies to each of these items. I have taken into account the financial circumstances of Morrison, the owner of the Seat Leon. This car will now have a limited value given the passage of time and given that it was used to transport the group to the scene to commit the murder and then to take some of the group away. In all the circumstances, I consider that the vehicle should be forfeited.