

IN THE CROWN COURT IN NORTHERN IRELAND
DUNGANNON CROWN COURT (SITTING AT BELFAST)

THE QUEEN

v

MATTHEW JAMES O'DONNELL

HART J

[1] The defendant is before the court to be sentenced to a minimum term of imprisonment as the result of his conviction for the murder of Noel Williamson in Caledon, County Tyrone either late on the night of 12 or in the early hours of 13 October 2004. As the defendant pleaded not guilty the facts of the case have been extensively considered in the course of the trial and it is unnecessary to review the evidence at length. However, it is appropriate that I say something about Mr Williamson and the way in which he met his death.

[2] It was clear from the evidence that Noel Williamson, who lived in Killylea, County Armagh, a few miles from Caledon, was well-known in Caledon. Sadly he had a problem in that he drank too much, but there was no suggestion that when drunk he was argumentative, nor that he was of an aggressive or violent disposition. Like many people who drink too much he could be somewhat loquacious and repetitive, and perhaps the most comprehensive description of his character was that given by George Campbell, who saw him in the Corner Bar about 3.00pm on the afternoon of 12 October 2004. Mr Campbell said he was a person who would "keep going over the same auld things", and so was difficult to have a conversation with. He described Mr Williamson as not being able to handle his drink well, saying "with drink in him he would be a bit of a nuisance, but he would have been a soft fella, no badness whatsoever in that lad, I suppose you could say he wasn't smart enough to be bad".

[3] The evidence of Dr Bentley, the Deputy State Pathologist, was that Mr Williamson suffered multiple blows of considerable force to the head, neck

and both shoulders. Some of these blows may have taken the form of kicking and stamping, others may have been inflicted by punches, a blunt weapon or head butting. These blows caused serious injuries to his nose, head and neck, and with the bleeding from the broken nose would have damaged his airway and interfered with his breathing.

[4] The second cause of death was that he suffered several wounds from a sharp weapon such as a knife. One of those wounds was the cut underneath his chin which penetrated his mouth and cut his tongue, causing what Dr Bentley described as “brisk bleeding”. Mr Williamson also suffered 5 stab wounds caused by a sharp weapon such as a single edged knife. These 5 wounds were to his right lower face and right neck, and one cut the carotid artery causing him to bleed to death.

[5] The blows and the knife wounds to which I have referred were not the only injuries suffered by Mr Williamson. Dr Bentley also found considerable bruising of the shoulders, upper arms and chest, consistent with having been inflicted by stamping. He also found a number of rectangular abrasions or grazes to the upper abdomen, the appearance of which suggested that the marks had been inflicted after death with something resembling a screwdriver.

[6] It can be seen from the blows to the head, neck and shoulders, the stab wounds, and the other injuries, that Mr Williamson was repeatedly struck, some of the blows at least being inflicted while he lay on the ground, and his injuries included 6 stab wounds.

[7] It is not absolutely clear how long Mr Williamson took to die, because the neuropathologist found signs that suggested he may have survived for at least 2 hours after the head injuries were inflicted. Whilst Dr Bentley could not rule that out, saying that it was not unknown for someone to survive for some time after such wounds, nevertheless his opinion was that it was much more likely that Mr Williamson died very quickly after the carotid artery was severed.

[8] O'Donnell was not the only person involved in, and responsible for, Mr Williamson's death. After Mr Williamson's body was discovered, O'Donnell fled from the house he was renting in Caledon and returned across the border to Monaghan town where he had lived in the past and apparently had family living. Subsequently it seems that he went to County Kerry, and in due course he was produced from Cork prison and questioned on behalf of the PSNI by the Garda Siochana. An application was made that he be extradited to stand trial for this murder in Northern Ireland, but he resisted the application, and for various reasons a considerable period of time elapsed before he was extradited to Northern Ireland and could stand trial. In the interim charges proceeded against Samuel Houston, the other man involved,

and Houston ultimately pleaded guilty to manslaughter before Mr Justice McLaughlin. He was sentenced to a custody probation order of 8 years imprisonment to be followed by 2 years probation subject to a number of conditions.

[9] The evidence during O'Donnell's trial established that throughout the course of the afternoon, evening and night-time of 12 October Houston was behaving in a threatening and aggressive manner to several individuals as well as Mr Williamson. He was in the company of Houston and O'Donnell and drank with them at various times throughout that period, although the evidence was that he drank on his own as well.

[10] The evidence of Lee Whitelock suggested that Houston harboured a grudge towards Mr Williamson because of an episode in May 2004, when he believed that Williamson abandoned him when Steven Ingram and he were approached by a group of youths in Armagh who proceeded to kick Houston. The evidence given in the course of the present trial established quite clearly that it was Houston who was the leading spirit throughout the events leading up to the last time when Williamson was seen alive.

[11] However, it was apparent that, for whatever motive, O'Donnell also displayed a threatening attitude towards Williamson, although the evidence as to what the accused did or said by way of threats towards Williamson was not altogether consistent. Lee Whitelock described how Houston had said earlier that he intended to hit Mr Williamson when Williamson came back to the park later that night as had been planned, and at this stage O'Donnell also said that he was going to hit Mr Williamson. Whitelock also described how, whilst he, Houston, and O'Donnell were in O'Donnell's house Houston produced a knife and said that he was going to kill Williamson, whereupon O'Donnell said "just kill him", and that Mr Williamson was "a waste of space" or "a waste of life". The third and final respect in which the defendant demonstrated a threatening and violent attitude towards Mr Williamson was when Lee Whitelock and Samuel Houston returned to No 6 having made an unsuccessful effort to be admitted to the Deerpark public house. On their return they found Mr Williamson and O'Donnell outside, and O'Donnell was saying to Mr Williamson "come on out and fight", but Mr Williamson did not want to fight.

[12] Therefore, whilst I accept that it was Houston who was determined to stir up trouble and, as Mr Orr QC for the prosecution confirmed, appears to have been the prime mover in the events of that night, nevertheless, for whatever reason, O'Donnell associated himself with the threatening attitudes and behaviour of Houston. Not only that, but there is the forensic evidence of Mr Logan, to which it is unnecessary to refer in any detail at this stage, which established that blood which had been projected from Mr Williamson's body was found on clothing belonging to O'Donnell.

[13] By its verdict the jury has accepted that there was a joint plan between Houston and O'Donnell to murder Noel Williamson, or at least cause him grievous bodily harm.

[14] I have the benefit of a victim impact report in the form of a witness statement from Sandra Warnock, a sister of Noel Williamson. In this statement she describes the devastating effect that her brother's death has had upon her and her health. She has been unable to work and as a result has been unable to keep up the payments on her home and lost it also. The strain of attending the trial was such that she took an overdose and was admitted to hospital. She also describes how her mother has been affected by her son's death. Statements such as this serve to remind us all how severe are the consequences of crimes of this type, and how such crimes blight the lives of the victim's family.

[15] The defendant has a number of previous convictions for offences of criminal damage and dishonesty in the Republic of Ireland, but I do not consider that these amount to an aggravating feature of the case. What is significant is O'Donnell's limited intellectual capacity. The evidence given during the trial by Dr Davies, a consultant clinical psychologist, was that the defendant has a full scale IQ of 62, placing his level of intellectual functioning within the bottom 1% of the general population. His understanding of spoken English approximates to that of an average 6 year old. I accept that the defendant suffers from a mental handicap as defined by the Mental Health Order (Northern Ireland) 1986, in that he suffers from "a state of arrested or incomplete development of mind which includes significant impairment of intelligence and social functioning". That is not to say that the defendant cannot function to a limited extent. Nevertheless, the evidence was that he has had a very serious drink problem for many years, even though he is only now 27 years of age, having been born on 3 June 1980, and at the time of these offences he was 24. Indeed, while he was living in Caledon he was visited daily by Mr Hughes who was a friend of O'Donnell's mother and kept an eye on him for her. O'Donnell was examined on behalf of the prosecution by Dr Christine Kennedy, who is a consultant forensic psychiatrist, and she concluded that O'Donnell meets the diagnostic criteria for Alcohol Dependence Syndrome.

[16] It is clear from the account he gave to both Dr Kennedy and to Dr Bownes that O'Donnell had a violent and disrupted upbringing, and I take that into account. As the defendant has been convicted of murder I am required to impose a minimum term which he must serve before he can be considered for release from prison by the Life Sentence Review Commissioners, and under Article 5(2) of the Life Sentences (Northern Ireland) Order 2001 the minimum term shall be such "as the court considers

appropriate to satisfy the requirements of retribution and deterrence having regard to the seriousness of the offence ...”.

[17] In R v Trevor McCandless and others [2004] NICA 1 the Court of Appeal held that sentences for murder in this jurisdiction should follow the guidelines set out in England by Lord Woolf CJ. The relevant starting points are the normal starting point of a minimum term of 12 years imprisonment, with a higher starting point of 15 to 16 years, depending upon the particular circumstances of each case, and any mitigating and aggravating factors that are present. Mr McGrory QC for the defendant realistically accepted that the case falls within the higher starting point, and I am satisfied that the circumstances of the present case are such that it requires the higher starting point of 15 to 16 years to be adopted before any allowance is made for mitigating factors.

[18] Because he was very drunk Mr Williamson was in a particularly vulnerable position, and extensive and multiple injuries were inflicted upon him before he died. The only mitigating factor is that O'Donnell suffers from a mental disability which I am satisfied lowered the degree of his criminal responsibility for the killing. His limited intellectual capacity and alcohol addiction in my view combined to make him easily influenced, although his conduct on the night in question demonstrated a willingness to inflict violence on his own account. In paragraph 11 of Lord Woolf's guidelines that the offender suffers from mental disorder, or from a mental disability which lowered the degree of his criminal responsibility for killing, is identified as a factor which can significantly reduce the offender's culpability, and could justify the reduction of the normal starting point of 12 years to 8 or 9 years.

[19] I consider it appropriate to reduce the starting point of 15 years in the present case to take account of O'Donnell's limited intellectual capacity and I order that he serve a minimum term of 12 years imprisonment before he can be considered for release. This will take into account the time spent on remand in this jurisdiction on this charge.