

IN THE CROWN COURT IN NORTHERN IRELAND

LONDONDERRY CROWN COURT SITTING AT COLERAINE

BILL NO. 06/107197

THE QUEEN

-v-

PAUL JAMES MORRIN

**TREACY J**

[1] Paul James Morrin, you have previously been found guilty by unanimous jury verdict of the murder of Gerald O'Hagan and you already had imposed upon you the only sentence for that offence permitted by law, namely life imprisonment.

[2] In accordance with the provisions of Article 5 of the Life Sentences (Northern Ireland) Order 2001 ("the 2001 Order") I must determine the minimum term that you will be required to serve before you will first become eligible to have your case referred to the Life Sentence Review Commissioners ("LSRC") for consideration by them as to whether and, if so, when you are to be released on licence. If you are in the future released on licence you will for the remainder of your life be liable to be recalled to prison if at any time you do not comply with terms of that licence.

[3] The minimum term I set is the actual term you must serve before you become eligible to have your case referred to the LSRC. In that respect I wish to make it clear that this minimum term is not the equivalent of a fixed sentence of imprisonment of the same length. A fixed term of imprisonment may, if the prisoner is of good behaviour, attract remission of 50%. You will receive no remission for any part of your minimum term that I shall impose.

[4] You were convicted after a lengthy trial during which the evidence of the gruesome and horrific murder of young Gerald O'Hagan on 3 February 2006 was presented in public before the jury. The previous day, 2 February, was the deceased's 19<sup>th</sup> birthday and he was plainly in celebratory mood. The deceased was a close friend of your step son Sean Devlin and the three of you had been drinking in your flat at 41 Galliagh Park, Londonderry for a time before ultimately arriving at the Strand Bar on the evening of 2<sup>nd</sup> February where more alcohol was consumed.

[5] As a result of some incident at The Strand Bar (not involving the defendant) the deceased and his friend Sean Devlin left the bar with the assistance of some of the door staff. The defendant remained in the bar. After getting something to eat and visiting another public house Sean Devlin and the deceased got a taxi back to the defendant's flat at 41 Galliagh Park. Unable to gain entrance Sean Devlin and the deceased went their separate ways - Devlin to his house and the deceased first to his brothers and then to his sister's house both of which are also in Galliagh Park. The last time he was seen alive was in his sister's house in the early hours of 3 February 2006.

[6] The deceased returned to the defendant's flat at 41 Galliagh Park where he made a number of phone calls between 0240 hours and 0300 hours from the landline telephone at that address.

[7] Whilst in his own home Sean Devlin confirmed he had received a call from the deceased asking him to go back over to the defendant's flat. As he was too tired Sean Devlin declined to do so. This was the last time he heard from his friend Gerald.

[8] A Noel Connolly also gave evidence. He lived at 42 Galliagh Park which is the ground floor flat directly below that of the defendant. He stated in evidence that about 4.00 am on the morning of 3 February he heard arguing. He stated that he distinctly recognised the voice of the defendant and heard him say "You've really done it this time". This was said several times in a loud and aggressive tone. Rave music was "pumping" loudly. He could hear arguing and stated there was something like a fight or a scuffle and then all went quiet save for the fact that the music was still playing. Connolly left his flat at about 5.30 to go to work and as he did so he looked up at the defendant's flat and saw some light shining through the closed curtains of the defendant's bedroom.

[9] At 12.18 hours on 3 February 2006 Ambulance Controller Linda Cousins received a 999 call from Paul Morrin's mobile. This lasted for approximately 10 minutes and was from Paul Morrin who was in his flat at 41 Galliagh Park at the time of the call. During this call he stated that his "wee boy" was dead and identified the dead boy as his stepson Sean Devlin. He also stated "there was a mad row and he hasn't moved" and when asked by

the Ambulance Controller if there was a fight he stated "Aye, sort of, I can't remember much of it". He also went on to say that he did not remember what happened but that he (Morrin) was the one covered in blood. He also stated that he had found a knife and later "I'm not arguing, maybe it might have been me".

[10] An ambulance was tasked and on arrival the crew found the body of a young man in the bedroom at 41 Galliagh Park who appeared to have suffered a number of stab wounds. He was pronounced dead at the scene. Although the defendant had given the name of the deceased as Sean Devlin enquiries carried out by the police revealed that Sean Devlin was alive and the deceased was a friend of Devlin's. This youth's identity, as Gerald O'Hagan, was later confirmed at a post-mortem which also revealed that he had died as a result of 14 stab wounds to his back including a wound to his neck which severed his jugular vein. At the time of his death blood analysis revealed that the deceased was highly intoxicated. There were injuries to the deceased's neck consistent with his T-shirt being pulled from behind. There was no evidence of any defence wounds. As appears from the nature and distribution of the wounds the attack by the defendant on this vulnerable and incapacitated young boy was chilling, sustained, ferocious – and unexplained. There are also a number of macabre features. The defendant took a perfectly framed photo of the deceased on his mobile phone after the murder. This had all the appearance of a trophy photograph. Cigarette ash was also found on the back of the deceased's body indicating that the defendant, after he had murdered the young boy, was standing over the body smoking. A meat cleaver was also found under the cushion of a chair in the living room whose purpose and location were unexplained.

[11] The defendant fought the case on the basis that he may not have killed the deceased and that another person or persons may have been responsible for the murder. Alternatively, he argued that, if he did kill the deceased he was suffering from non-insane automatism in the form of sleepwalking at the material time.

[12] The defendant gave evidence and called a sleepwalking expert. The prosecution called an expert in rebuttal. The jury rejected the defences put forward and unanimously convicted the defendant.

[13] The court has been furnished with a statement from the family of the deceased by which one could not fail to be moved. This is what they said:

"I would like to thank the people who worked hard for the verdict in my son's case, the police, the prosecution service, the Judge and the Jury. It is impossible to explain how my family and I feel about Gerald's death. I could not imagine anything

more horrible happening to anyone. To lose a loved one is terrible, a child is worse and to lose your youngest son is indescribable. He was the wee brother all my children wanted to look after and the final child my wife Geraldine and I had to bring to adulthood.

For over 2 years now we have been in a living hell. If only this person had admitted what he had done and why, it may have been a little easier. It is the continual questions in one's mind that drive you insane. The way in which Gerald died and the things that were done after his death, by this person, are truly incredible.

I know Geraldine and I will die broken hearted. There is no end to this kind of pain. You can't just lose a son that you have loved and who has loved you for over 19 years, and ever expect to forget it or get over it.

My son was a good lad. He loved a laugh and he enjoyed meeting people. He had a genuine concern for his nieces and nephews. Gerald was beginning to really get a good perspective on life. He was really trying to get meaningful employment and look to what I know would have been a wonderful future. People talk about a good character, well Gerald was still learning but he was a beautiful character.

I know to be a judge must be extremely hard and I hope and believe the judge in this case will do what he believes is right and just."

[14] In my opinion Morrin you have shown no remorse; you have also relied on spurious defences; you have claimed a complete lack of recollection - a lack of recollection which in the light of the contents of the 999 call, your evidence and the expert evidence is impossible to accept. The jury has rightly rejected these defences. But one consequence of this is that you have completely failed to shed any light on why you did what you did. As the family impact report states:

**"If only this person had admitted what he had done and why, it may have been a little easier. It is the continual questions in one's mind that drive you insane."**

[15] I have been referred to the practice statement issued by Lord Woolf CJ on 31 May 2002 adopted in R v McCandless and Others [2004] NI 269. The practice statement set out the approach to be adopted in respect of adult offenders in paragraphs 10-19 which are in the following terms:

“10. Cases falling within this starting point will normally involve the killing of an adult victim, arising from a quarrel or loss of temper between two people known to each other. It will not have the characteristics referred to in para 12. Exceptionally, the starting point may be reduced because of the sort of circumstances described in the next paragraph.

11. The normal starting point can be reduced because the murder is one where the offender’s culpability is significantly reduced, for example, because: (a) the case came close to the borderline between murder and manslaughter; or (b) the offender suffered from mental disorder, or from a mental disability which lowered the degree of his criminal responsibility for the killing, although not affording a defence of diminished responsibility; or (c) the offender was provoked (in a non-technical sense), such as by prolonged and eventually unupportable stress; or (d) the case involved an overreaction in self-defence; or (e) the offence was a mercy killing. These factors could justify a reduction to eight/nine years (equivalent to 16/18 years).

*The higher starting point of 15/16 years*

12. The higher starting point will apply to cases where the offender’s culpability was exceptionally high or the victim was in a particularly vulnerable position. Such cases will be characterised by a feature which makes the crime especially serious, such as: (a) the killing was ‘professional’ or a contract killing; (b) the killing was politically motivated; (c) the killing was done for gain (in the course of a burglary, robbery etc.); (d) the killing was intended to defeat the ends of justice (as in the killing of a witness or potential witness); (e) the victim was providing a public service; (f) the victim was a child or was otherwise vulnerable; (g) the killing was racially aggravated; (h) the victim was deliberately targeted because of his or her religion or sexual orientation; (i)

there was evidence of sadism, gratuitous violence or sexual maltreatment, humiliation or degradation of the victim before the killing; (j) extensive and/or multiple injuries were inflicted on the victim before death; (k) the offender committed multiple murders.

*Variation of the starting point*

13. Whichever starting point is selected in a particular case, it may be appropriate for the trial judge to vary the starting point upwards or downwards, to take account of aggravating or mitigating factors, which relate to either the offence or the offender, in the particular case.

14. Aggravating factors relating to the offence can include: (a) the fact that the killing was planned; (b) the use of a firearm; (c) arming with a weapon in advance; (d) concealment of the body, destruction of the crime scene and/or dismemberment of the body; (e) particularly in domestic violence cases, the fact that the murder was the culmination of cruel and violent behaviour by the offender over a period of time.

15. Aggravating factors relating to the offender will include the offender's previous record and failures to respond to previous sentences, to the extent that this is relevant to culpability rather than to risk.

16. Mitigating factors relating to the offence will include: (a) an intention to cause grievous bodily harm, rather than to kill; (b) spontaneity and lack of pre-meditation.

17. Mitigating factors relating to the offender may include: (a) the offender's age; (b) clear evidence of remorse or contrition; (c) a timely plea of guilty.

*Very serious cases*

18. A substantial upward adjustment may be appropriate in the most serious cases, for example, those involving a substantial number of murders, or if there are several factors identified as attracting the

higher starting point present. In suitable cases, the result might even be a minimum term of 30 years (equivalent to 60 years) which would offer little or no hope of the offender's eventual release. In cases of exceptional gravity, the judge, rather than setting a whole life minimum term, can state that there is no minimum period which could properly be set in that particular case.

19. Among the categories of case referred to in para 12, some offences may be especially grave. These include cases in which the victim was performing his duties as a prison officer at the time of the crime or the offence was a terrorist or sexual or sadistic murder or involved a young child. In such a case, a term of 20 years and upwards could be appropriate."

[16] The prosecution contended that this is a case where paragraphs 12 and 18 are most relevant. Under paragraph 12 the higher starting point of 15/16 years will apply to cases where the offender's culpability was exceptionally high or the victim was a particularly vulnerable person. In this case the prosecution say that the defendant's culpability was exceptionally high and that the defendant was vulnerable given his youth, modest build, the fact that he was extremely intoxicated, that all the injuries were to his back and neck with no indication of any defensive wounds. Specifically the prosecution rely on 12(f) ie being otherwise vulnerable, 12(i) namely gratuitous violence and 12(j) namely extensive and/or multiple injuries being inflicted on the victim before death.

[17] The prosecution also contended that, as is evidenced by the case of R v Robinson [2006] NICA 29, paragraph 12 of the Practice Statement is only illustrative and that the court should also take into account the photographing of the deceased's body by the defendant on his mobile phone together with the presence of cigarette ash on the back of the victim indicating a cold and callous viewing of the deceased after his death. Account must also be taken of the defendant's approach to the trial, namely trying to suggest that the murder was committed by someone else and/or while sleepwalking, both of which were a complete charade.

[18] As paragraph 18 of the practice statement makes clear a substantial upward adjustment may be appropriate in the most serious cases, for example "... if there are several factors identified as attracting a higher starting point present". In this case the prosecution have identified the following factors:

- (i) The vulnerability of the deceased.

(ii) The gratuitous nature of the violence and the extensive nature of the injuries suffered.

(iii) The cold and casual viewing of the deceased as evidenced by the photographing of the deceased's body and the presence of ash on his back.

(iv) His attempt to evade responsibility.

[19] For the defence Mr Brian G McCartney QC drew attention to the fact that the defendant is now a 43 year old man, with no relevant record, who lived a lonely and isolated life with an anti-social lifestyle being a process operator for the last 8 or 9 years working 12 hour shifts. He became increasingly dependent on drugs and was an alcoholic albeit a functioning alcoholic. He asserts this was an impulsive alcohol driven event, that he is remorseful and that he deeply regrets what has happened and simply cannot explain it.

[20] I do not accept that the defendant has shown any genuine remorse. The taking of what might have been a trophy photograph when smoking over the deceased's body is not indicative of remorse but of a chilling disregard perhaps even a sick pride in what he had done. And he showed no remorse in contesting the case over two months on a completely spurious basis in the teeth of damning and overwhelming forensic evidence. Nor do I accept your claim that you have absolutely no recollection. An attempt was also made, despite the depravity of the crime of which you were convicted, to portray yourself as non violent with even an artistic streak. However on reading the probation report I was not surprised to learn that you have a history of alcohol fuelled fights and domestic violence.

[21] You are in my view a dangerous, devious and cruel little man who committed, without remorse, a chilling and macabre murder of a defenceless young boy.

[22] In the context of the present case the matters upon which the defence have relied attract little weight.

[23] I accept that this is a case in which the higher starting point will apply and I also accept that this a very serious case in which paragraph 18 of the practice statement also applies.

[24] In light of the foregoing the minimum period that you must serve before being considered for release is 20 years.