

IN THE CROWN COURT IN NORTHERN IRELAND

DOWNPATRICK CROWN COURT
(SITTING IN BELFAST)

THE QUEEN

-v-

MARK WALLACE

HART J

[1] Mark Wallace has pleaded guilty to the murder of Katie Hughes on 14 April 2009 and has been sentenced to life imprisonment. He is now before the court for the imposition of the minimum term of imprisonment that he must serve before he can be considered for release by the Parole Commissioners.

[2] The defendant was born on 27 October 1983 and was therefore 25 at the time of these events. He had been in a relationship with Katie Hughes since December 2008, and on 13 April 2009 they attended a party with some friends at a house in Bangor. A number of those present refer to what appear to have been light-hearted remarks made by Katie Hughes in the course of the evening to the effect of who needed boyfriends, although there appeared to be no real friction between her and the defendant as they were described by others present as behaving in an affectionate manner towards each other.

[3] Shortly before midnight on 13 April without any warning the defendant struck her repeatedly, and a number of those who saw what happened then realised that he was holding what appeared to be a kitchen knife, which it was later established came from a knife block in the kitchen. After he had attacked Katie Hughes, he threatened Stuart Worrall with the knife by swinging the knife at him and then left the house.

[4] He arrived at Neil Dixon's house in Bangor at approximately 2.00 am on 14 April. Neil Dixon was a friend of the defendant, and received a telephone call from the defendant's mother shortly before asking if he had

heard from the defendant, and she told Dixon that she believed that her son had assaulted a girl and that the police were looking for him.

[5] About half an hour later the defendant came to Dixon's home and pushed his way in. He was heavily bloodstained and had a severe wound to his hand. He asked for a change of clothes which was provided for him and pressed Dixon and his girlfriend to drive him to Newtownards. Although they were reluctant to do so because they were concerned about what the accused may have done they agreed to drive him to Newtownards. He was taken to the house of another friend in Newtownards, and on arrival he asked the occupants for assistance to help him leave the area. In the course of his remarks he said to Stephen George, one of the occupants, that he had been thinking of "butchering" Katie for a few weeks, and he also remarked to one of the other occupants that his, that is the defendant's, mother, had "touted" on him before, and if she did it again he would stab her. The police traced him to this house, and he was arrested at 4.35 am on the morning of 14 April.

[6] Katie Hughes was taken to hospital, but such was the severity of her injuries that she died in the early hours of the morning of 14 April. The post mortem report by Professor Crane, the State Pathologist for Northern Ireland, describes the nature and severity of the nine stab wounds inflicted upon her in the following extract from his commentary.

"Death was due to stab wounds of the neck and chest. She had been stabbed nine times. There was a relatively small stab wound on the right breast, another on the front of the right shoulder and a third on the outer side of the upper arm. The breast wound was quite superficial whilst the shoulder and upper arm wounds only penetrated the underlying muscles and did not damage any vital structures. A fourth stab wound, on the top of the right shoulder, had extended downwards into the neck where it had penetrated the right external jugular vein. This injury would have been associated with considerable bleeding from the damaged vein. There were a further four stab wounds on the back of the chest and another on the left side of the chest. Only one of these, stab wound No. 6 on the back of the chest, had penetrated the chest cage. It was associated with fractures of the back ends of two of the right ribs and penetration of the underlying right lung. As a result, there had been massive bleeding into the right chest cavity and it was the effect of this haemorrhage, and that from the neck injury, which were responsible for her death in hospital about two hours later."

[7] The defendant was medically examined that morning by Dr McGrath, a forensic medical officer, and told Dr McGrath that he had taken about eight pints of beer and had consumed no drugs. A back-calculation of the blood alcohol reading found in the blood sample taken at that time suggests that he had a blood alcohol count in the region of 255mgs per 100 mls of blood at the time of the incident, which would be three times the legal limit for driving. The analysis also confirmed that there were no illicit drugs in his system.

[8] When questioned the defendant admitted in the first interview that he was angry, he described how he fetched the knife, and said that he lashed out at Katie Hughes, although he asserted that he did not mean to kill her. The number and nature of the stab wounds he inflicted means that there can be no doubt whatever, as his plea of guilty accepts, that it was his intention to kill her.

[9] In the course of his police interviews he accounted for his anger by saying that she was making mocking remarks to him, did not care for his feelings, and he just snapped. He gave a similar explanation to Dr Christine Kennedy, a consultant psychiatrist who has prepared a report on him at the request of his solicitors, and to the maker of the pre-sentence report. Not long after the murder he remarked to Neil Dickson that "she was just winding me up all night man". However, whatever Katie Hughes may have said to him that night, there is no independent evidence to show that she said or did anything whatever to provoke this murderous attack, an attack motivated by drunken and extreme jealousy.

[10] I have been provided with victim impact statements made by her mother, her older sister, her brother and his wife, and the father of her small child. Each describes in heartfelt terms their sense of loss, the effect of her death on their lives, and the many small but poignant ways in which that feeling of loss is brought home to them every day. Perhaps the words from all these accounts that most tellingly encapsulate the effect on all of those who have been affected by the defendant's actions are those of Katie's mother.

"On Easter Monday 2009 my and my family's lives changed forever. Our family as we knew it has been wrecked almost in the blink of an eye by the actions of Mark Wallace, who not only took away my daughter but left his own mother's life in tatters. Because of him Katie's life has been cut short, what life she lived she lived to the full."

[11] In her report Dr Kennedy expresses the opinion that the defendant

“presents with some paranoid personality traits. He has a tendency to feel slighted or humiliated by others. He can hold a grudge for a long period. He is self-referential, readily thinking that people are looking at him and talking about him, though this is not delusional.”

[12] Dr Kennedy’s report also refers to the entries in the defendant’s medical records which confirm that he has been heavily abusing illicit drugs for several years, and his criminal record contains a number of offences relating to the possession of Class B and Class C drugs in 2002 for which he was sentenced to a custody probation order of 12 months detention and eighteen months probation. He was 19 when he was released and it is evident from the history of drug abuse he gave to Dr Kennedy that he resumed heavy drug taking upon his release from custody, although in the period leading up to the murder he was drinking heavily instead of taking drugs.

[13] In R v McCandless and Others [2004] NI 269, the Court of Appeal directed judges in Northern Ireland to apply the approach to be adopted when fixing the minimum term to be served by those sentenced to life imprisonment set out by Lord Woolf CJ in his *Practice Statement* of 2002. This requires the court to adopt a normal starting point of 12 years in cases which “will normally involve the killing of an adult victim, arising from a quarrel or loss of temper between two people known to each other”. The present case at first sight might be thought to fall within that category, but, as Mr O’Rourke (who appears with Mr Tom McCreanor for the defendant) conceded, the number and extent of the injuries inflicted upon Katie Hughes requires the court to adopt the higher starting point of 15/16 years.

[14] Mr O’Rourke submitted that there were a number of mitigating factors in the case. The first is that the defendant fully admitted his crime when initially interviewed by the police and expressed his remorse and contrition for his conduct. Secondly, he recognised his guilt by pleading guilty on arraignment, and he should therefore receive the maximum credit allowed for that. However, the credit to be allowed under both these heads has also to take into account that the case against him was overwhelming. The accused does not have a clear record and cannot therefore claim the credit which would normally be allowed were that the case. He has previous convictions for a number of offences, including the drugs offences to which I have already referred. He also submitted that the defendant suffered provocation in what he referred to as a non-technical sense by prolonged and insupportable stress arising out of the defendant’s own personality traits. However, I do not consider that there is anything in the defendant’s background that would justify the court taking such a view.

[15] Dr Kennedy also describes in some detail an assault that the defendant said he committed a few days before the murder, and refers to him saying that he has been charged in relation to that. Miss Orr QC (who appears for the prosecution with Mr David McDowell) stated that the defendant was not on bail for that charge at the time the present offence was committed, and the charge under s. 20 of the Offences against the Person Act 1861 has not yet been disposed of. Normally a court will not take into account another charge against a defendant which has not yet been dealt with. However, on the defendant's own admission he had been drinking heavily at a party and struck another man on the head with a bottle, inflicting a wound that required four staples to be inserted. In addition there was his remark on the night of the murder that he had been thinking of "butchering" Katie for some weeks, and his threat that he would stab his mother if she "touted" on him. All this behaviour shows that the defendant was prepared to resort to violence on other occasions if necessary, and I regard that as an aggravating feature of the case. A further aggravating feature is that the defendant armed himself with the knife beforehand, and so this was not a case where in the heat of a quarrel he lifted a knife that was nearby, but one where there was clearly an element of pre-mediation on his part.

[16] Taking all of the relevant factors into account, I am satisfied that this is a case which would have attracted a minimum term of imprisonment of 18 years imprisonment had he been convicted after a plea of not guilty, and in view of his plea of guilty and full admissions I impose a minimum term of 14 years imprisonment to be served before he can be considered for release by the Parole Commissioners. The minimum term will take into account the time spent on remand on this charge.