

REGINA
- v -
McANULTY

Deeny J

SENTENCE

1. Mark McAnulty, your conduct on the 31st July 2004 in the City of Newry was quite extraordinary and entirely disgraceful. You went in search of Mr John Paul Boyle on the basis of some grievance you had, whether real or imagined. You were under the influence of alcohol, although in that you are like almost everyone else whom the court has to sentence.
2. You threatened John Paul Boyle with an ornamental sword which you had acquired, and you attempted to injure him. Fortunately, you only caused a slight abrasion. You threatened his defenceless mother in her own home with the same sword in an utterly disgraceful fashion. You then renewed your pursuit of John Paul Boyle and threatened and struck Mr Alfie Magill in your efforts to get at Boyle. Fortunately, you caused him only a superficial laceration on his head.
3. Nevertheless, these are serious offences for which

the court has to sentence you. I have received a considerable amount of material with regard to your personal circumstances. I note that in childhood you had a very limited relationship with your natural father. I have been told that your mother suffered from alcoholism. I have been told that you had a poor relationship with your stepfather, who also suffers from alcoholism, and I take that into account.

4. I have to consider and take into account your criminal record which you have but I have to say that it is significantly less than many of those before the courts of your age today. You committed a number of burglaries in November 1995 but at that stage you were still only thirteen years old. You were given a Probation Order and the Probation Officer who prepared the helpful pre sentence report in this case legitimately observed that that seems to have been of benefit to you as you remained out of any trouble for another three and a half years after that. You were then involved in an assault but it does not appear to have been of great gravity as you were merely bound over to keep the peace. So, it is to your credit, therefore, that your criminal record is limited for a man of twenty-four.

5. You will understand that that will not be true if you ever come before a court again. If you come before a court again with this record, including the serious offences which you were obliged to plead guilty to, you must expect the court to deal with you very severely.

6. I note further that while awaiting trial on these various offences you have been diagnosed with an acute form of Diabetes and that you require treatment some four times daily for that condition which it seems likely is going to remain with you. I have read the helpful report of Dr J. K. Nelson, Consultant Physician, in that regard. I note that he says that 'A heavy ingestion of alcohol which Mr McAnulty had taken over some seven years from the age of fifteen until the alleged index event could contribute to agitation, confusion and bizarre behaviour which could have contributed to his behaviour in the alleged index offence. This would be added to by the regular ingestion, as he had, of cannabis, amphetamines, cocaine and Ecstasy.' Obviously, these are all things you must avoid in the future. It is quite clear that your own chemistry does not permit you to consume any of them.

7. I note further the lengthy and careful report from Dr Ian T. Bownes from 11th October 2005. I note that he could find no evidence that you were suffering from an active mental illness such as a paranoid delusional disorder at the time of the incident, or at the time that he saw you. Indeed, he found that your mood had stabilised while in prison, which was part of the main thrust of the submissions of Mr Orr, QC, and consistent with your own evidence before me.

8. I note that he says there is currently no imperative indication for psychiatric treatment in this case. I note further that he felt that sustained change would be assisted by the Probation Services. I note the reference on your behalf from Father Gabriel Bannon, Roman Catholic Chaplain of HM Prison, Maghaberry, and I note that he says that you have been an ideal prisoner and that you to him appear to have made a serious attempt to change while in custody, and I take that into account also. I note the recent death of your mother while on holiday in Spain and I note that you have complied with the terms of the compassionate bail on which I released you for the funeral.

9. I have to take into account your plea of guilty to all the counts on this indictment which were persisted in against you save the attempted murder where the jury found you not guilty on both counts and you are entitled to credit for that plea of guilty (a) as indicating remorse for your conduct on that day which you have expressed, and (b) because in normal circumstances that would have obviated the need for the Prosecution witnesses to give evidence, and (c) you gave up any possibility you might have had, albeit small in this case, to be acquitted on the charges to which you had pleaded guilty, and I take that into account on your behalf.

10. It is clear from the pre sentence report and everything that I have been told that this is a particularly apt case for a custody/probation order, and I propose to make such an order and

I note that you consent to such an order. I have to take into account that if you had not consented that would legitimately influence the sentence which I would now impose upon you, so you are entitled to some credit for that. I have reached the conclusion, balancing all these factors together, that the proper order here is a custody/probation order of three years consisting of 18 months' custody and 18 months' probation. I believe the effect of that is that you are likely to be released very shortly, although not, I think, immediately. I would have imposed a sentence of two years' imprisonment if you had not consented to the custody/probation order. I add an express condition on the recommendation of the probation officer to the order, namely, that Mark McNulty shall present himself in accordance with the instructions given by the Probation Officer to a designated Probation Office to participate in an anger management programme on nine days at least during the probation period and while there comply with instructions given by or under the authority of the person in charge.

11. Mark McNulty – you understand the position?

If you comply with that probation service requirement and all their requirements you will not return to custody, but if you fail to comply with it or get into further trouble you must reconcile yourself to seeing a great deal more of the gentlemen presently around you.

12. The detailed sentences on the indictment are as follows – on the first count – 12 months' imprisonment; on the second count – 12 months' imprisonment; on the third count – 12 months' imprisonment; on the fourth count – 12 months' imprisonment; on the fifth count – 18 months' imprisonment, that is the count of aggravated burglary. On the sixth count – 6 months' imprisonment; on the seven count of common assault – 6 months' imprisonment. He was acquitted on the eighth count. On the ninth count – 18 months' imprisonment with 18 months' probation. On the tenth count he was acquitted. On the eleventh count – 18 months' imprisonment with 18 months' probation. All the sentences of imprisonment are to run concurrently.