

IN THE CROWN COURT IN NORTHERN IRELAND

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THE QUEEN

-v-

McMASTER

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MORGAN J

[1] On 20 September 2005 the accused was arraigned on one count of attempted murder to which she pleaded not guilty. On 3 May 2006 the Crown applied to add a count of causing grievous bodily harm with intent. I gave leave to add the count and the accused pleaded guilty to that count on arraignment. The Crown accepted that plea and agree that I should deal with this accused on the basis that she pleaded guilty at the first opportunity.

[2] The facts are that on the evening of 1 March 2004 the accused attended at the home of the injured party, her father in law. He welcomed her into his home and went to get her a glass of water which she had requested. As he did so she struck him on the head with a hammer which she had concealed in a Tesco bag and which she had previously wrapped in cling film. He resisted her and they ended up in a struggle. In the course of the struggle she produced a podiatry knife and caused significant injuries to his neck and head while she held him in a head lock. As a result of this he has sustained serious physical injuries which have caused him disfigurement. He has developed an extremely severe gross tremor in both hands and arms as a result of which the quality of life has been drastically impaired.

[3] The prosecution contended that this was a premeditated and planned attack. They point to the fact that the hammer had been concealed and previously wrapped in cling film. The defendant had parked her car a little way from the injured party's home in order to avoid detection. After the attack she had returned to her home and left her child at the child's grandmother's as if nothing had happened. When questioned about the events that evening she had initially denied any involvement.

[4] The defendant is a lady of exemplary background. She has no previous convictions and has worked as a nurse for all her working life. Her references make plain her considerable professional achievement. It appears that a number of different stresses occurred within the six-month period leading up to this attack. Her husband was posted to Kosovo. She commenced a nursing degree course in October 2003 and found particular difficulty with the IT component. Given her successful professional career she was having difficulty accepting her failure. At the end of 2003 she had been the innocent victim of a hit-and-run which had caused her emotional distress. Her son suffers from Crohn's disease and he had an exacerbation of symptoms in respect of that condition. Because of her family circumstances she had refused to go to work on Christmas Eve or New Year's Eve and in early 2004 was reprimanded for that. Perhaps most importantly she had developed a delusional belief that her father in law was a threat to the integrity of her family. She had always resented the lack of interest her father-in-law took in particular in her husband and son. It appears that the depression from which she undoubtedly suffered at the time of this incident had contributed to her delusional belief that her father in law was in some way a threat.

[5] The court is obliged to take these matters into account because they go to the culpability of the defendant. Although the defendant remains solely responsible for the catastrophic consequences which she caused I must take into account that the stresses upon her and the medically diagnosed depression from which she suffered at the time bear upon the extent to which she must be judged culpable for those events. That in no way, however, excuses or even explains why she did what she did.

[6] I have no doubt that this accused is deeply remorseful for her actions. Her conduct has caused a catastrophic rift between her husband and his family as a result of which he now requires constant psychiatric care. She has two teenage children who will be cared for by her brother during her period of imprisonment. I have no doubt that she is deeply attached to both children and that separation from them will be a severe a punishment for her.

[7] Making every allowance for this defendant's psychiatric and other circumstances I consider that if this case had been contested the minimum custodial term would have been one of 10 years. She is entitled to full credit for her plea of guilty and the fact that she faced up to her responsibilities at the bail court some two weeks after the crime. In those circumstances I consider that the commensurate sentence should be one of seven years imprisonment. The pre-sentence report makes it clear that probation supervised counselling may assist the defendant in understanding why she reacted so violently in the situation and may also assist her to control the feelings that led her to become so angry. In those circumstances I consider that probation supervision as part of her sentence is appropriate subject to an

additional requirement that the defendant attends a CPN as directed by her GP/psychiatric services. Accordingly with the agreement of the defendant I will impose a sentence of five years imprisonment followed by two years probation supervision with that added condition.