

THE CROWN COURT IN NORTHERN IRELAND SITTING AT BELFAST

THE QUEEN

-v-

JIMMY SEALES, STEPHEN McCAUGHEY
JASON WEIR, IAN WEIR & OTHERS

SENTENCING REMARKS IN RESPECT OF
IAN WEIR AND JASON WEIR

WEIR J

[1] Ian Weir and Jason Weir, you have pleaded guilty. In relation to the counts of murder you have already been sentenced to life imprisonment which is the only sentence for that crime permitted by law. It is now my task to fix the minimum term or tariff which each of you must serve before you will be eligible to be considered for release by the Parole Commission. I must also sentence you, Ian Weir, for the firearms offence.

[2] The background to the charges is that on the evening of 11th January 2012 Jason Weir had called at a house in the countryside near Comber to speak to the occupant. While he was there Philip Strickland also happened to call and was recognised by Jason Weir as a man whom his family suspected of painting slogans in public places and posting messages on Facebook critical of them and of Jimmy Seales in particular. Jason then left while Philip Strickland remained in conversation with the householder. Jason thereupon alerted his father Jimmy to the presence of Strickland at this place and enlisted his friend McCaughey to come there to back him up in some sort of intended fight with Strickland. At the same time Jimmy and, you, Ian, also came to this place. Jimmy Seales arrived armed with a shotgun. After some minor fighting with Philip Strickland, Jimmy Seales discharged the shotgun at him causing serious injury to a leg. He was then bundled into the boot of his own car, a hatchback and, again at Jimmy Seales' direction, driven out of the yard by Jason on to the public highway. It appears that, notwithstanding his injury, Philip Strickland quickly managed to climb out of the boot into the passenger compartment and Jason brought the car to an abrupt halt. A struggle then seems to have occurred within the car which was brought to an end by the second discharge of the shotgun into Philip Strickland's face causing massive and

fatal injury. Thereafter the four of you left, but you Jason and Stephen McCaughey stopped a short distance away and then returned to the hatchback in McCaughey's car where an effort was made to set it on fire. This endeavour was interrupted by the arrival of a local farmer on his tractor so that it did not succeed. You, Jason Weir and McCaughey fled as had Jimmy and, you, Ian Weir, leaving the dead body of Philip Strickland lying in his car.

[3] Each of the four defendants has sought to minimize his part in these events, Jimmy to the extent of denying that he was present at all - a claim that the jury must plainly have rejected. This means that there is no agreement as to who bundled Philip Strickland into the boot of his car after the first injury, who fought with him and to what degree, who fired the second and fatal shot and who, if anyone other than Jimmy Seales, knew that a firearm would be brought to the scene. I make it clear accordingly that in any instance where there is no clarity as to who did or did not do a particular act I have not sought in arriving at my sentences to attribute any of those disputed events to the detriment of any particular accused.

[4] The approach that I follow in assessing the minimum term that you must serve before being eligible to be considered for release was prescribed by the Court of Appeal in R-v-McCandless & Others. It involves the application of the guidelines contained in the English practice statement.

Although it has been agreed between prosecution and defence that your respective culpabilities vary as between you, I have determined that such can be adequately reflected by reductions or additions where appropriate, to the relevant starting point which I consider to be the higher one of 15 to 16 years because of those features which in my judgment make this crime especially serious. They include the following:

1. This was a planned attack upon a vulnerable individual.
2. The plan included the assembly of a gang sufficient to outnumber and overpower the victim.
3. The victim was severely injured by the first gunshot.
4. After the first gunshot he was humiliated and degraded before the subsequent fatal shot.

[5] I turn now to consider your individual culpabilities. Dealing with you, Ian Weir, you pleaded guilty to these charges at a relatively early stage and you gave evidence for the prosecution in the trial of your father and Stephen McCaughey. In your case it is agreed between prosecution and defence, as it is also in the cases of your brother Jason and Stephen McCaughey, that the maximum tariff figure should be 12 years having regard to the fact that you were each secondary parties who remained at the scene after the first shot was fired and who failed to disassociate yourselves after the firearm had been discharged on the first occasion by Jimmy Seales. Although there was a suggestion that you came to the scene with your father and therefore must have known that he had

a shotgun, neither fact has been clearly established and I therefore do not treat either as an aggravating factor in your case. I am prepared to assume that you, Jason, and Stephen, contemplated not death but serious bodily injury until the point at which that first shot was fired.

[6] You are now 30 years of age with a good working record in your father's various businesses. I am satisfied that you and Jason had a violent upbringing that was calculated by your father to bend you both to his will. You described your father to the Probation officer as "*an angry wee man*" and I have no doubt from all I now know about this case and your family that such was a fair description. You have a criminal record but only for motoring offences and I therefore treat you as though you had a clear record. I take as the starting point for the tariff in your case one of 12 years.

[7] I now consider what credit you ought to receive for the assistance that you have provided to the police and prosecution by giving evidence in this trial. Undoubtedly that co-operation must have contributed significantly to the success of the prosecution against your father and must have been very difficult for you to render, especially in view of the strong psychological grip in which you have been held by him. You have also as a result exposed yourself to the danger of recrimination within the prison and I have been informed that you are presently subject there to certain protective arrangements. Accordingly, I reduce the starting figure of 12 years by approximately 60% to reflect your level of co-operation to a resulting figure of five years. I further reduce that figure by 20% to reflect your plea of guilty which was not entered at the earliest opportunity, and accordingly determine that the tariff in your case is one of four years following which period you will be eligible for consideration for possible release on parole either then or at some future point in time.

[8] On the firearms charge I sentence you to eight years' imprisonment of which under the legislation you will serve four years without remission and upon your release from prison a further four years under the supervision of a probation officer. That sentence will be concurrent with the tariff imposed in relation to the murder.

[9] I deal next with you, Jason Weir. As I have said, the prosecution and defence have agreed that the starting point for you as a secondary party in this murder should be not more than 12 years. The family circumstances and working record that I have described in relation to your brother Ian pertain equally to you. You both had a miserable childhood under the thumb of your bullying, domineering father. Arguably your responsibility for these events was somewhat more than that of your brother Ian as it was you who initiated them by telling your father where Philip Strickland was to be found, and you also enlisted Stephen McCaughey to the joint enterprise and drove Philip Strickland's car on to the road. However, as against those factors, I take account of the finding by Dr Davies, consultant clinical psychologist, that you are of limited intellectual ability. I note too that like your father and brother any previous convictions that you have acquired relate in the main to motoring matters and I disregard those for

the purposes of this exercise. I therefore adopt for you the same starting point of 12 years.

[10] You also entered a plea of guilty in advance of trial but, unlike your brother, felt unable to assist the prosecution actively by giving evidence against your father. Accordingly, I can only reduce the 12 year starting point by an allowance for your plea of guilty, which was somewhat later than that of your brother. I do not propose to materially distinguish between the two of you in the allowance that I make for your plea and accordingly reduce the starting point by 20% giving a tariff of nine years and six months in your case.