

# Judicial Communications Office

3 July 2020

## COURT SENTENCES FOR MURDER OF JOHN STEPHEN KNOCKER

### Summary of Judgment

Mr Justice Horner, sitting today in Belfast Crown Court, determined that Francis Lanigan must serve a minimum period of 20 years before he can be considered for release by the Parole Commissioners for the murder of John Stephen Knocker in 1998.

On 11 May 2020, Mr Justice Horner found Francis Lanigan (“the defendant”) guilty of murder and possession of a firearm and ammunition with intent to endanger life or property and imposed a mandatory sentence of life imprisonment for the murder<sup>1</sup>. Today, Mr Justice Horner determined the minimum term of imprisonment that the defendant must serve before he can be considered for release by the Parole Commissioners. The defendant must serve this term in full and is not eligible for remission. When released, the defendant will remain subject to licence conditions for the remainder of his life which, if breached, may lead to his return to custody for a further period.

#### Background

The background to the offences can be found in the [summary](#) of Mr Justice Horner’s decision on 11 May 2020.

#### Determination of minimum sentence

Before determining the minimum sentence, Mr Justice Horner referred to the victim impact statements prepared by Sabrina Dunbavin, the deceased’s partner who was pregnant at the time of his murder, and Rhea Knocker, his daughter who is now 20 years old. The judge said that both told of the terrible times they suffered as a consequence of the “cold hearted and callous murder”. He said it was important to remember that when the defendant shot at point blank range into the defenceless and prone deceased, not only did he extinguish his life but he blighted and continues to blight the lives of the loved ones the deceased left behind.

Mr Justice Horner referred to the relevant sentencing principles that the court should apply in fixing the minimum term<sup>2</sup> where it has imposed a sentence of life imprisonment. The sentencing principles empower the court 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. He noted there was no pre-sentence report because the defendant chose not to have one carried out.

Mr Justice Horner considered that the defendant’s culpability was exceptionally high and the victim was in a particularly vulnerable position. He said this merits a higher starting point of 15 years and gave the following reasons for his conclusion:

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<sup>1</sup> <https://judiciaryni.uk/sites/judiciary/files/decisions/Summary%20of%20judgment%20-%20R%20v%20Francis%20Lanigan.pdf>

<sup>2</sup> See Notes to Editors.

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- This was a shooting where the defendant shot and injured the deceased from a distance as he tried to escape but was intent on taking his life. A witness described the defendant kicking the deceased as he lay defenceless on the ground before he leant down and fired the fatal shot at point blank range, when there could be no doubt as to the outcome;
- The defendant went towards the deceased as he lay on the ground, reached down with his hand before he shot a “completely vulnerable man at the closest of ranges into his brain to make death a certainty”.

The judge then considered the aggravating and mitigating features. He said the following aggravating features were present:

- The judge was satisfied that the defendant at the very least knew that a loaded weapon was available for use by him, if required. The judge concluded that the defendant made the decision not to fight back when initially struck by the deceased but decided to wait and exact a “bloody revenge” in front of the onlookers who would witness his humiliation: “This was a calculated decision to use a gun against a defenceless man in full view of members of the public and so demonstrate to any onlookers who was the boss”.
- The use of the firearm itself was an aggravating feature and, in particular, the decision to use it at point blank range;
- The defendant had previous firearms convictions from 1986. He was given 10 years imprisonment, “a sentence which singularly failed to act as a deterrent to this further offending”;
- The defendant’s display of “brazen braggadocio” in front of those leaving the nightclub was a further aggravating feature, accompanied as it was, and is, by a complete absence of remorse;
- The significant impact on close family members and the fact that the trial did not take place until 21 years after the death.

Mr Justice Horner did not consider there to be any mitigating factors. He said the defendant displayed a complete absence of remorse or contrition. The judge said the suggestion that there was provocation which he should take into account was wholly undermined by:

- The judge’s conclusion that even as the defendant was being attacked he was planning his bloody revenge: “This was not a heat of the moment reaction. This was a cold and calculated decision to take another man’s life in as public a way as possible”;
- The defendant had to seek and obtain a weapon after the assault;
- The defendant did not consider it sufficient to shoot the deceased at long range but had to apply the kill shot up close.

Mr Justice Horner fixed the minimum term to be served before the defendant can be considered for release at 20 years.

## **Firearms offence**

Mr Justice Horner noted the following factors which he considered relevant in determining the sentence:

- The firearm was a real weapon in working order;
- The defendant brought the gun to the nightclub, he was well able to use it as was demonstrated by his shot which brought down the fleeing deceased;

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- The defendant had previously been convicted of firearms offences;
- The defendant exhibited no signs of remorse.

The judge considered that the appropriate sentence for the firearms offence taking into account the aggravating features is 14 years. He said the defendant should serve seven years in custody and seven years on licence. The judge said he would normally take into account as a mitigating factor that there has been a delay of over 20 years in dealing with the offences but said that in this case the delay is wholly attributable to the decision of the defendant to go on the run. The delay also exacerbated the upset and pain felt by the deceased's family.

## Conclusion

Mr Justice Horner determined that the defendant must serve a minimum term of 20 years in custody before he can be considered for release by the Parole Commissioners. He will also serve a concurrent sentence of 14 years for the firearms offence comprised of seven years in custody and seven years on licence.

## NOTES TO EDITORS

1. This summary should be read together with the judgment and should not be read in isolation. Nothing said in this summary adds to or amends the judgment. The full judgment will be available on the Judiciary NI website (<https://judiciaryni.uk>).
2. The minimum term is the term that an offender must serve before becoming eligible to have his or her case referred to the Parole Commissioners for them to consider whether, and if so when, he or she can be released on licence. Unlike determinate sentences, the minimum term does not attract remission. If the offender is released on licence they will, for the remainder of their life, be liable to be recalled to prison if at any time they do not comply with the terms of that licence. The guidance is set out in the case of R v McCandless & Others [2004] NI 269.
3. A Practice Statement, [2002] 3 All ER 417, sets out the approach to be adopted by the court when fixing the minimum term to be served before a person convicted of murder can be considered for release by the Parole Commissioners. It also sets out two starting points. The lower point is 12 years, and the higher starting point is 15/16 years imprisonment. The minimum term is the period that the court considers appropriate to satisfy the requirements of retribution and deterrence having regard to the seriousness of the offence. This sentencing exercise involves the judge determining the appropriate starting point in accordance with sentencing guidance and then varying 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.

**ENDS**

If you have any further enquiries about this or other court related matters please contact:

Alison Houston  
Judicial Communications Officer  
Lord Chief Justice's Office  
Royal Courts of Justice

# Judicial Communications Office

Chichester Street  
BELFAST  
BT1 3JF

Telephone: 028 9072 5921  
E-mail: [Alison.Houston@courtsni.gov.uk](mailto:Alison.Houston@courtsni.gov.uk)