

Judicial Communications Office

2 July 2020

COURT SENTENCES FOR MURDER OF JOELEEN CORR

Summary of Judgment

His Honour Judge Geoffrey Miller QC, sitting today in Downpatrick Crown Court, sentenced Michael O'Connor to serve a minimum period of 16 years before he can be considered for release by the Parole Commissioners for the murder of Joeleen Corr.

On 3 February 2020, the defendant pleaded guilty to murder and the court imposed a mandatory sentence of life imprisonment for the murder. Today, Judge Miller determined the minimum term of imprisonment that Michael O'Connor ("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

Joeleen Corr ("the deceased") was mortally wounded on 1 December 2016 when she was punched with force fracturing her jaw and causing her to fall headlong down the stairs of the home she shared with the defendant and their two year old son. She sustained catastrophic brain injuries and was not discovered until the following morning by which time there was no prospect of any form of meaningful recovery. She remained alive on life support until her death on 26 April 2018 following an application to the High Court for her life support to be withdrawn.

Referring to victim impact statements from the deceased's mother and family, Judge Miller said he wanted to emphasise the huge impact of the pain and sense of loss caused to the family by the defendant's actions and to draw attention to the life of "a bubbly young woman before it was so cruelly cut short". The judge also paid tribute to the dignity and fortitude displayed by the deceased's mother and entire family throughout the lengthy court process. Judge Miller said the defendant's behaviour to the deceased and her mother was such that each took out Non-Molestation Orders ("NMO") against him and he was forbidden to contact his son by court order. He "inveigled" his way back into the deceased's life in September 2016 and spent time with her and their son at her home in Downpatrick while still officially living in West Belfast.

Determination of minimum sentence

The Court heard that the defendant was diagnosed in his teens with ADHD and had a history of disruptive and challenging behaviour. He was expelled from school and left education without any formal qualifications. He has not worked since the age of 19. He has a history of drug and alcohol abuse, aggressive behaviours and incidents of self-harm including several attempts at suicide. In 2017, the defendant was convicted and imprisoned for offences committed in 2015-2016 arising from domestic abuse of a previous partner. Between 2004 and 2010 the defendant was persistently before the courts and had 86 convictions with the only gaps corresponding to the times he was in custody. Judge Miller was satisfied the defendant fulfils the statutory criteria of "dangerousness" within the meaning of the Criminal Justice (Northern Ireland) Order 2008.

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Judge Miller referred to the relevant sentencing principles that the court should apply in fixing the minimum term¹ where it has imposed a sentence of life imprisonment. Counsel for the defendant submitted that this was a case that fell within the normal starting point as his intention was to cause grievous bodily harm rather than to kill and that the killing was spontaneous and lacked premeditation. Counsel for the prosecution countered that this was a case that clearly falls within the higher starting point as the deceased was particularly vulnerable and the murder was a culmination of a sustained pattern of domestic violence. He also pointed to the defendant's history of domestic abuse against his previous partners and his failure to respond to court ordered interventions. It was further argued that the defendant's actions after the assault by leaving the scene and failing to summon assistance for the deceased when he would have plainly known she was very seriously injured were very serious aggravating features.

Judge Miller concluded that this was a case which clearly fell into the category where the higher starting point of 15/16 years applied. While it was accepted that the defendant's intention was to cause really serious harm as opposed to killing the deceased he considered this was of limited impact in terms of mitigation: "What [the defendant] did that night has to be seen in the context of a man who used violence, both physical and psychological as a means of control." The judge referred to the long history of domestic abuse and the defendant's actions towards the deceased's mother which prompted her to take out the NMO against him. He was also satisfied that the deceased was in a vulnerable position *vis a vis* the defendant.

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. One of the aggravating factors is domestic violence which Judge Miller said was clearly a factor applicable to the present case. The judge also considered the defendant's actions after he struck the deceased as amounting to serious aggravating features justifying the higher starting point being "varied significantly upwards". Judge Miller noted that the court only had the defendant's account of events on the night which had to be seen as self-serving. He said the remainder of the defendant's account was "replete with unsupported assertion, contradictions and blatant and cruel lies". The judge said the defendant's first and only thoughts were for himself and how he was going to avoid the consequences of his actions. Finally, the judge said the fact that the events took place in front of their child was a serious aggravating feature.

Judge Miller concluded that the starting point should be varied upwards to 19 years. He said this was the tariff he would have imposed had the defendant been convicted of murder after a contested trial. It is, however, a long and firmly established principle in sentencing law in this jurisdiction that where an accused pleads guilty the sentencer should recognise that fact by imposing a lesser sentence than would otherwise be appropriate. Judge Miller said the defendant's plea in this case was at a very late stage of the proceedings on the day his trial was due to commence but had to be considered.

The judge noted that the defendant continuously denied throughout more than five hours of police interviews any knowledge of how the deceased came by her injuries. This remained his position until 26 September 2017 when he filed his defence statement to the proffered charges which at that time were attempted murder and grievous bodily harm with intent. In his statement, the defendant claimed that he neither intended causing the injuries nor that he knocked her down the stairs. This remained the position until the morning of his trial on 3 February 2020 when he entered the plea of

¹ See Notes to Editors.

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guilty to manslaughter and in the afternoon he entered his plea to murder. Judge Miller said the defendant had maintained a denial of responsibility for his actions for nearly three and a half years. By his plea, finally entered at the last possible moment, the defendant finally acknowledged what he had known all along, namely that he had struck the deceased with force and with the intent to cause her really serious harm, as a result of which she had subsequently died.

Judge Miller said it was important to stand back to look at whether the overall sentence properly reflects the seriousness and circumstances of the particular offence and, in doing so, he concluded that the reduction for the guilty plea should be three years or approximately 16% of the tariff that would have applied following conviction after a contested trial.

Conclusion

Judge Miller considered that the appropriate tariff is 16 years, which he set as the minimum term that the defendant must serve before he may be considered for parole and release 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