

Judicial Communications Office

5 July 2023

COURT SENTENCES FOR MURDER

Summary of Judgment

Mr Justice O'Hara, sitting today in Belfast Crown Court, imposed a minimum period of 18 years imprisonment on Thomas Rainey who pleaded guilty to the murder of his wife Katrina Rainey on 12 October 2021.

Katrina Rainey ("the deceased") was found lying beside a car that was on fire. Her children were putting wet towels on her as she had been in the car when it had been set alight. She had suffered severe burns over large parts of her body from which she died that night. The police recorded a statement from her on body worn video in which she said her husband ("the defendant") had opened the passenger door, threw something in a bucket over her, held her fleece so she could not get out of the car and set light to her. She was unable to get out of the car initially as she had her seatbelt on but then got out and sounded the horn which woke her children.

The deceased also told the police that she had been to see a solicitor earlier in 2021 to initiate divorce proceedings and she had told the defendant she wanted him out of the house. The defendant had not replied to correspondence from the deceased's solicitor, but she told police at the scene that she believed the pending divorce was the cause of the attack on her. This was not really challenged by the defendant but a context was given for his actions in his plea in mitigation and in the psychiatric reports and pre-sentence report. The context included that the defendant had had a serious road traffic accident in 1990, one of their children had died at the age of six in an accident on the farm for which he felt some responsibility, her death had had a serious negative impact on both parents and the marriage, he has had a recurring depressive disorder for over 35 years for which he has had four admissions to Holywell Hospital, he took at least one overdose but survived, and he had a stroke in 2019. The court also heard that he was facing the prospect of divorce which may have led to the sale of the family farm to which he was especially attached and that this added to the existing significant stressors in his life.

The defendant was examined by a Consultant Psychiatrist in November 2022. He was asked to advise on whether the defendant was fit to plead to the murder charge and he advised that he was. The psychiatrist was further asked to advise on whether a defence to the charge of murder by reason of diminished responsibility might be available, but he advised that it was not. He said the defendant's depression was not so severe as to prevent him from understanding the nature of his conduct or forming a rational judgement or exercising self-control. On foot of this report the defendant pleaded guilty to murder.

The Relevant Legal Principles

Article 5(2) of the Life Sentences (Northern Ireland) Order 2001 provides that the minimum term "shall be such part as the court considers appropriate to satisfy the requirements of retribution and deterrence having regard to the seriousness of the offence, or the combination of the offence and one

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or more offences associated with it". The court applied the legal principles on fixing the minimum term established in *R v McCandless & Others* and the *Practice Statement*¹.

The court referred to the pre-sentence report which highlighted a number of issues including:

- The defendant's remorse for what he did and for the effect that this has had on his children and the deceased's family;
- His criminal record for offending such as theft and handling stolen goods does not involve any form of violence;
- On assessment, the defendant was regarded as presenting only a medium likelihood of further offending.

The court also noted that the defendant has made progress within the prison system where treatment and counselling appear to have helped him considerably. In addition, it said the assessment must inevitably reflect the fact that the defendant who has no history of violence is already 61 years old and will serve a long spell in prison before his release can be considered.

In determining the starting point of the sentence, the court noted that it is not a mathematical exercise:

"In my judgment the normal starting point cannot possibly apply in this case despite the submissions on behalf of the defendant. This murder was not remotely akin to one where there was a quarrel or loss of temper. To spell it out, the defendant planned this murder to the extent that he put petrol in the bucket, he had the bucket to hand as his wife went to drive off to work and he threw the petrol over her. He also had a lighter to hand which he used to start the fire in the confined space of the car which she was strapped into."

The court rejected the defence submission that the defendant's culpability was significantly reduced because the case came close to the borderline between murder and manslaughter. It regarded this as a case in which the higher starting point of 16 years is appropriate because the deceased was in a particularly vulnerable position in the car when she was suddenly attacked: "She had no realistic hope of escape, even if she got out of the car. She also suffered extensive injuries in the most harrowing of manners."

Having taken that starting point, the court recognised the following major aggravating features:

- The murder was the ultimate act of domestic violence – counsel for the defendant submitted that on the evidence there was no history of domestic violence but the court said the murder of a wife who is seeking a divorce is in itself a definitive act of domestic violence.
- It was witnessed by the children who heard the screams and ran out to see something they will never be able to forget, their mother in flames.

In terms of mitigating factors, the court recognised the defendant's age, his history of depression and the remorse which he has expressed. Taking all of these issues together, the court concluded that the aggravating features significantly outweigh the mitigating features so that a sentence of 21 years is appropriate. It said it is customary to make allowance in favour of the defendant for a guilty plea.

¹ See Notes to Editors.

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In part this is because, especially in a case such as this, the plea of guilty has saved the family from going through the additional ordeal of a trial. It had been suggested on behalf of the defendant that the court should give him maximum credit for his plea but the court did not agree:

“The defendant denied his guilt at the scene, even when his dying wife was telling their daughter Rachel what he had done. He also denied it to the police, suggesting instead in some oblique way that the fire might somehow be Mrs Rainey’s own fault for keeping petrol in the car. In the circumstances I consider that a reduction of three years is appropriate.”

The court concluded that the defendant should serve a minimum sentence of 18 years imprisonment before the Parole Commissioners consider whether he should be released:

“This is a significant prison sentence for a man of 61 but given the horror of what he did to his wife it is the least he deserves.”

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 Practice Statement also identifies that in very serious cases a minimum term of 20 years and upwards may be appropriate with cases of exceptional gravity attracting a minimum term of 30 years. 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

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