

# Judicial Communications Office

18 December 2018

## COURT OF APPEAL ORDERS RETRIAL OF CHRISTINE CONNOR

### Summary of Judgment

The Court of Appeal today quashed Christine Connor's convictions for attempted murder and causing explosions because of doubts whether her pleas represented genuine confessions of guilt. The Court ordered a retrial.

#### **Background**

Christine Connor ("the appellant") pleaded guilty on 3 May 2017 to one count of attempted murder, two counts of possessing explosives with intent, two counts of causing an explosion and one count of being involved in the preparation of terrorist acts. The counts relate to two explosions in May 2013 involving the deployment of improvised explosive devices.

The Crown Court heard that in April and early May 2013 the appellant and her co-accused, Stuart Downes, spent time researching bomb making techniques. Downes then purchased bomb parts and shipped them to the appellant. Whether or not the appellant actually carried out the construction of the devices or arranged for another to do so was uncertain but the devices, which were viable, clearly were constructed, deployed and exploded. Two devices were deployed in an attack on 16 May 2013 and two in a later attack on 28 May. The first involved a 999 hoax call referring to a suspect device at 02:11 hours and at the same time there were reports of explosions in the Ligoniel Road area. The trial judge stated that this may have been a dry run or practice run carried out by the appellant and then recorded by her on a movie file recovered from her lap top either to remind her what to do in the future or as a propaganda exercise.

The second incident on 28 May 2013 was described by the trial judge as much more sinister. There was a 999 call reporting to come from a person who indicated that she was suffering from domestic violence at an address on the Upper Crumlin Road. This was at 02:12 hours. Two officers responded - one went to the relevant address and the other was providing cover when two devices were deployed and exploded. Shrapnel was dispersed from the devices up to a radius of around 35 metres. Fortunately, both officers were able to take evasive action and did not sustain any physical injuries.

The appellant was present at the scene having transported the devices and may have actually thrown them but the trial judge acknowledged that this latter point was uncertain. Downes made a call to UTV claiming responsibility for the attack on behalf of what he described as the Irish Republican movement. Forensic evidence linked the appellant both to the scene and to the device. She was arrested and interviewed by the police over an extended period and largely gave no comment in response to the questions that were put to her but she did provide a statement stating that she may have been in the vicinity of the second bomb at 2am.

The trial judge said this was clearly a well thought out attack or attacks and that they were researched and planned. He noted that while "certain elements of your conduct were bizarre" the

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appellant was sufficiently motivated to construct the devices and to press home such attacks. Whilst the appellant, according to the trial judge, appeared to be acting alone or within a small group he noted that it clearly lay within her power to manipulate and to influence others such as Downes. He stated that the appellant was committed to a violent philosophy to achieve political objectives through the means of violence. The trial judge took into account in mitigation the fact that there were “certain aspects of amateurism and lack of sophistication in relation to her criminal activity” but noted that it had to be taken in the context of the fact that she was able to complete the manufacture of these bombs and to successfully deploy them.

The trial judge imposed an extended custodial sentence of 16 years and 4 months after assessing the appellant as posing a danger to society. The effective overall sentence was one of 13½ years custody with an extended custodial sentence of 3 years and 8 months.

## Appeal

The appellant appealed against her conviction contending that her pleas of guilty were ambiguous or equivocal and a nullity in law. She also contended that her pleas were involuntary and the result of being subjected to pressure by her legal advisers.

The transcript of when the appellant was re-arraigned on 3 May 2017 confirmed she said the following in relation to the six counts:

- Count 1 - “Well I am not guilty, however on advice I will plead guilty”
- Count 4 - “As I said I’m not guilty but on advice I will plead guilty”
- Count 2 - “I’m not guilty but on advice I will plead guilty”
- Count 5 - “I am not guilty but on advice I will plead guilty”
- Count 3 - “I am most definitely not guilty of that but on advice I will plead guilty”
- Count 6 - “I am not guilty but on advice I will plead guilty”

The trial judge then indicated “I am recording guilty pleas for Counts 1-6”. Neither the trial judge nor counsel for the prosecution or defence addressed the nature of the “pleas” which were entered by the appellant.

## Applicable legal principles regarding plea

The Court of Appeal referred to guidance on the principles applicable to a plea of guilty. Where an accused purports to enter a plea of guilty but, either at the time he pleads or subsequently in mitigation, qualifies it with words that suggest he may have a defence (eg ‘guilty, but it was an accident’ or ‘guilty, but I was going to give it back’), then the court must not proceed to sentence on the basis of the plea but should explain the relevant law and seek to ascertain whether he genuinely intended to plead guilty. If the plea cannot be clarified, the court should order a not guilty plea to be entered on the accused’s behalf. Should the court proceed to sentence on a plea which is imperfect, unfinished or otherwise ambiguous, the accused will have a good ground of appeal.

## Discussion

The Court of Appeal said the guilt of the accused in this case rested upon her confession by way of a plea of guilty. It commented that this case was somewhat unusual in that the appellant expressly stated that she was “not guilty” before qualifying this with “on advice I will plead guilty”. Her first

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words were “I am not guilty but...”. In respect of the most serious charge of attempted murder, which requires specific intention to kill, she said “I am *most definitely* not guilty but ....”:

“In these circumstances we do have doubt as to whether a confession was intended. On any showing the pleas were heavily qualified, ambiguous and equivocal. The pleas were plainly “imperfect, unfinished or otherwise ambiguous”. In those circumstances ... the court must not proceed to sentence on the basis of such a plea “... but should explain the relevant law and seek to ascertain that (s)he genuinely intends to plead guilty”. Inexplicably those inquiries were not made when these pleas were entered. We consider that in these circumstances a conviction resting solely on such a plea of guilty cannot be regarded as safe. The prosecution in resisting this aspect of the appeal and has relied heavily upon the suggestion that the case against the appellant was overwhelming. Whether that be so or not, and we express no view, a conviction resting solely on the heavily qualified pleas entered in this case cannot be regarded as safe.”

The Court of Appeal concluded that reliance on such a plea might work an injustice and said it entertained serious doubts that the “pleas” represented a genuine confession of guilt. It quashed the convictions and ordered a retrial.

## NOTES TO EDITORS

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>).

**ENDS**

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