

Judicial Communications Office

Tuesday 6 December 2011

COURT SENTENCES FOR PROVIDING GETAWAY CAR FOR NEWRY COURT BOMB

Summary of Judgment

His Honour, Judge Burgess, Recorder of Belfast today sentenced Ciaran Anthony Farrell to 18 months imprisonment suspended for 3 years after he pleaded guilty to providing the getaway car that was used in the bombing of Newry Courthouse on 22 February 2010.

The prosecution accepted that Ciaran Farrell handed a car over to a person who approached him. The request was made in terms that left Mr Farrell in no doubt that any failure to do so would have serious consequences for him and/or his family. The person who approached him was identified as someone who would be known as part of a dissident republican terrorist group and who would be more than capable of being able and willing to threaten, and carry out such threats, in the course of terrorist activities.

The prosecution accepted that Mr Farrell would never have been within the confidence of this group. It confirmed that there is no evidence that Mr Farrell was involved in this bombing; that when he handed the car over he knew it was going to be used in the bombing; that he had any reasonable cause to believe the car would be used in the bombing; and that he knew what the car would be used for other than for some terrorist related activity.

The Recorder said he would therefore proceed to sentence Mr Farrell on the basis that under threat he supplied a car in circumstances that there was reasonable cause to believe it might be used in some terrorist activity, but not with any knowledge or belief as to what that might be, let alone that it would be this particular bomb attack.

In his plea in mitigation, Counsel for Mr Farrell stated that he had pleaded guilty at the time when legal advice was first available to him on the issue of duress. The Recorder said this was evidence of his regret and remorse at succumbing to the demands made upon him. Counsel also stated that Mr Farrell is the brother of the late Mairead Farrell. He said this left Mr Farrell more exposed to such demands. He also commented that while Mr Farrell's personal feelings for his sister were those as between any siblings, Mr Farrell wished publicly to disavow terrorism and the methods employed by such terrorist groups. The Recorder said the court had noted Mr Farrell's renunciation of terrorism in the weight it attached to his plea and by assessing him as not constituting a significant risk in the future of causing serious harm to the public.

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The Recorder said the Court had determined, with the consent of the prosecution and defence, that a sentence in the range of 18 months would be appropriate. Under the sentencing framework the maximum term of actual imprisonment would therefore be 9 months followed by a period of 9 months on licence. However, if the Court were to conclude that the licence period should be longer than 9 months, the term of imprisonment would need to be reduced by that extended period of licence, for example if the licence period were to be extended to 12 months, the custodial sentence would be reduced to 6 months. The Recorder said that in his opinion there were good reasons, given the background of the defendant's involvement, to argue for a longer licence period.

The Recorder also noted that Mr Farrell had already spent a period of time in custody during the police investigation. This period would be deducted from any period of custody imposed in terms of setting his release date. The question for the Court was whether to return Mr Farrell to prison for what would be a relatively short period of time, or whether it should impose a suspended sentence which would hang over the head of Mr Farrell for the duration of the suspension. The Recorder determined that the latter would be appropriate and imposed an 18 month term of imprisonment suspended for 3 years.

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 Court Service website (www.courtsni.gov.uk).

ENDS

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