

Judicial Communications Office

Wednesday 13 April 2011

JUDGE CONVICTS FOR THE MURDER OF EAMON HUGHES

Summary of Judgment

Mr Justice Treacy, sitting today at Belfast Crown Court, found Martin Murray guilty of the murder of Eamon Hughes. He also found Kevin Toye guilty of the attempted murders of Martina Donaghy and Emma Donaghy.

The court heard evidence of the events that led to the fatal stabbing of Eamon Hughes on 13 September 2008. The Hughes family had been attending a party at a local club to celebrate the 18th birthday of their youngest daughter. During the evening there had been an altercation between Kevin Hughes, the victim's son, and an associate of the first two defendants. The Hughes family invited some of their friends back to their house. They all left the club in the early hours of the morning and started to walk back to their house.

Martin Murray, Liam Murray, William McDonagh and Kevin Toye got into a taxi and instructed the driver to drive close to where the Hughes family lived. When the taxi passed the group walking home, the taxi driver was told to stop and wait. The defendants got out of the car. The taxi driver and other witnesses gave evidence that Martin Murray was aggressively brandishing a knife and Liam Murray had a WKD bottle. A witness saw a member of the Hughes party throw a concrete block at Martin Murray. During the ensuing confrontation he also saw Eamon Hughes strike Martin Murray with a belt. Martin Murray was then seen to stab Eamon Hughes in the chest. The judge said he was satisfied that this was a deliberate blow.

Mr Justice Treacy stated that "in a scene of some terror, mayhem and pandemonium the aggressive confrontation that the first four defendants had initiated was repelled with these defendants fleeing, at least temporarily". William McDonagh opened the taxi door and tried to take the keys from the ignition and drag the driver out of the car. While this was happening, McDonagh was attacked by someone wielding a belt. McDonagh jumped onto the bonnet and the driver closed the door on his hand. The driver drove off and stopped further down the road. McDonagh got off the bonnet and pulled the driver out of the car.

Judicial Communications Office

Martina Donaghy and her daughter Emma were administering first aid to Eamon Hughes who was lying in the road. Eye witnesses gave evidence that the taxi came back up the road at speed. It was being driven by Kevin Toye. The taxi swerved towards the three people on the road. It hit Martina and Emma Donaghy and narrowly missed hitting Eamon Hughes' head by inches. Kevin Toye claimed that no one in the car had said or done anything to incite him to drive into anyone. He said that no one in the car tried to stop him or challenge him. He said he did not swerve to hit anybody and could not explain the accident other than to repeat that he had not seen the women.

Martina Donaghy suffered fractures of her left leg and a laceration of her right groin. She has required plastic surgery and repeated operations. Emma Donaghy had a laceration to the right side of her head. She suffered fractures of her ankles and a fracture of her left leg. She too has had repeated surgical procedures.

Mr Justice Treacy presided over the trial without a jury. He dealt firstly with **Martin Murray**. Murray gave no evidence at his trial but claimed he was acting in self defence. The judge said the Court had to decide whether Murray honestly believed that the circumstances were such that he had to use force to defend himself from an attack or threatened attack. Mr Justice Treacy said he was satisfied that Martin Murray was the initial aggressor. He said that the retaliation meted out by Eamon Hughes was not such that Martin Murray was entitled to defend himself in the manner that he did:

“Stabbing the deceased was plainly more than was necessary to protect himself from the attack. There was no disproportionate act by Eamon Hughes, he had not been turned into an aggressor, the tables had not been turned and the roles had not been reversed. Frankly it was bordering on the perverse for this defendant to claim self defence”.

Mr Justice Treacy found Martin Murray guilty of the murder of Eamon Hughes.

He then considered whether **Liam Murray, Kevin Toye and William McDonagh were guilty of being a secondary party to the murder**. The judge said that the prosecution had not satisfied him beyond reasonable doubt that the defendants had the requisite knowledge that Martin Murray had a knife. He said that while they *could* have seen the knife he was not certain that they did and this was not sufficient evidence on which to convict them. The judge added that even if he had been persuaded that they had become aware of the knife he would have found it impossible, in light of the way the incident

Judicial Communications Office

developed, to conclude that they had participated in the murder with the necessary intent as it appeared that they were at that stage focussed on fleeing the scene. **Mr Justice Treacy found Liam Murray, Kevin Toye and William McDonagh not guilty of the murder of Eamon Hughes.**

Kevin Toye was charged as a principal in relation to the attempted murders of Martina and Emma Donaghy as he was the driver of the hijacked taxi which struck them. Mr Justice Treacy said he was satisfied that Toye turned the car around and drove it back into the area from which he professed a desire to flee. He said there was overwhelming evidence that “the car was driven at speed ... and deliberately into the people on the road – people who were trying to help the dying Eamon Hughes and who were on their knees oblivious and with no means of escape”. The judge said he was satisfied that Toye aimed the car at the people on the road and that he did so intending to kill. **Mr Justice Treacy found Kevin Toye guilty of the attempted murder of Martina and Emma Donaghy.**

Mr Justice Treacy then considered whether Martin Murray, Liam Murray and William McDonagh were guilty of being secondary parties to the attempted murders. He said that while McDonagh had given evidence that the Murrays were proud of what they had done, he was not a wholly satisfactory witness:

“Without reliable evidence of incitement against [Martin Murray, Liam Murray and William McDonagh] I find it impossible to be satisfied to the high criminal standard that they are liable as secondary parties given that they were passengers in a car over which Toye had ostensible driving control. I am satisfied there was incitement and that the car was used as a weapon. I believe Toye was prevailed upon by one or possibly both Murrays to use the car to hit the victims but in the absence of being able to attribute with certainty the crucial remarks I must acquit.”

The judge found **Martin Murray, Liam Murray and William McDonagh not guilty of these counts.**

The judge convicted Martin Murray, Liam Murray, William McDonagh and Kevin Toye of affray.

The judge finally dealt with the attempted murder of Kevin Hughes by **Kevin Murray** (Senior), the fifth defendant. The Court heard that Kevin Hughes, the son of Eamon Hughes, was enraged by what he had witnessed. He left the scene and made his way to Kevin Murray’s home even though he knew that Kevin Murray had not been associated with the events or responsible for his

Judicial Communications Office

father's death. He smashed the windows of the house and the windows of a car owned by Kevin Murray. Mr Murray got dressed, confronted Kevin Hughes and fired a bolt from a cross-bow into his arm. Kevin Hughes made his way back to the scene where he was assessed by ambulance staff. In his evidence to the court, Kevin Hughes accepted that if Kevin Murray's intention had been to shoot him and cause him serious harm he could have done so. Mr Justice Treacy concluded that there was not sufficient evidence to establish that Kevin Murray intended to kill or commit grievous bodily harm. **He found Kevin Murray not guilty of the attempted murder of Kevin Hughes.**

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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