

Judicial Communications Office

Thursday 19 January 2012

COURT SETS MINIMUM TERM OF 10 YEARS IMPRISONMENT TO BE SERVED BY CHRISTOPHER HARPER FOR THE MURDER OF HIS WIFE

Summary of Judgment

His Honour Judge Finnegan QC, sitting today in Craigavon Crown Court, set the minimum term of imprisonment to be served by Christopher Harper for the murder of his wife Suzanne on 20 August 2010.

The Court heard that Mrs Harper was found in the bedroom of their home in Portadown. She died from a stab wound of the neck which had severed at least one artery. Her husband went to Lurgan Police Station shortly afterwards and reported her death. He said he killed her with a kitchen knife.

Evidence was given that the couple had been married in February 1987 and had three children. Whilst there had been disagreements during the course of the marriage there appeared to be no history of domestic violence. The Court heard that Mrs Harper had "withdrawn from the relationship" on two or three occasions, and it appeared that there had been other relationships during those periods, but the accused had been able to persuade her to return home. In the days leading up to her death, Mrs Harper moved out and was staying with her mother, but had returned to reconsider the position. On the day she was murdered, she told the accused that "nothing had changed" meaning that she intended to leave him for good. In interviews with a consultant forensic psychiatrist, the accused recounted that on the day his wife made reference to an extremely distressing experience dating back to the accused's primary school years which he was hypersensitive. The judge said that while it never became certain, it was probable that at that stage the accused went downstairs, armed himself with the knife, returned to the bedroom and killed his wife.

Judge Finnegan told the accused:

"This was a selfish and evil act. The verdict of guilty of murder from the jury and the sentence of life imprisonment ... should make it clear to the public that no spouse should ever be exposed to physical harm or threat, never mind death, merely because of a decision to end a relationship with their partner. There already was a loss of self-control on the accused's part that fateful morning. The jury has, albeit on a majority basis, decided that what was said and done by the deceased was not enough to justify a verdict of manslaughter by reason of provocation."

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The judge referred to the Practice Statement and guideline case on the setting of a minimum term of imprisonment where an offender has been sentenced to life imprisonment. He said the appropriate starting point in this case was one of 12 years. He considered the vulnerability of the victim arose not from any planning, premeditation, opportunism or gratification on the part of the accused but from “the timing of the fatal combination of the announcement of the deceased’s intention to leave and the unfortunate reference previously referred to which had been suppressed by the accused over the years”. The judge said that the setting for the crime came about fortuitously and the accused’s actions commenced at a time when he was no longer in full control of himself.

Judge Finnegan stated that at the time of the offence the accused had been a hard working and law abiding person for over twenty years. His remorse was immediate, genuine and profound. He confessed immediately and clearly did not intend to contest the charge of murder. He only agreed to contest the charge claiming provocation at the request of his legal representatives and children. The judge said he could not give the accused credit for a plea of guilty but said he made some allowance for his approach:

“It is ironic that the tariff that the Court must impose on the accused for depriving [his children] of their mother will also deprive them of the presence of their father.”

Judge Finnegan noted that the victim impact reports indicated the great loss that had been caused to all those who knew Mrs Harper and the great regard and love in which she was held. He concluded that the minimum term that Christopher Harper should serve before he can be considered for release is one of ten 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).
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 Commission 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

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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
Chichester Street
BELFAST
BT1 3JF

Telephone: 028 9072 5921

Fax: 028 9023 6838

E-mail: Alison.Houston@courtsni.gov.uk