

Judicial Communications Office

Friday 3 December 2010

COURT SETS MINIMUM TERM OF 21 YEARS IMPRISONMENT TO BE SERVED BY COLIN HOWELL

Summary of Judgment

Mr Justice Hart, sitting today in Antrim Crown Court sitting at Belfast, set the minimum term of imprisonment to be served by Colin Howell for the murders in 1991 of his wife, Lesley Howell and of Trevor Buchanan, the husband of his then lover and now co-defendant, Hazel Stewart (formerly Hazel Buchanan).

At the outset Mr Justice Hart clarified that Mrs Stewart has pleaded not guilty to both counts of murder and is currently awaiting trial on those charges. He noted that Mrs Stewart accepts she and Mr Howell were engaged in an adulterous relationship for some time prior to the murders and that it continued on for several years before each of them subsequently remarried. She disputes, however, the intensity of their relationship after the murders. The judge said he did not propose to refer to her alleged role in the events leading up to, and during the murders, as this will have to be considered by the jury during the trial. Mr Justice Hart considered that it was not necessary to await the outcome of the trial of Mrs Stewart before proceeding to fix the minimum term which Mr Howell must serve before he can be considered for release by the Parole Commissioners as his admissions clearly set out his role.

In paragraphs 7-11 of his sentencing remarks, the judge set out in detail Mr Howell's admissions as to how the murders were carried out. Although it is disputed how the idea came to be considered in the first place, Mr Howell admits that he conceived, planned and carried out the double murder and did so in a fashion designed to make it appear that his wife and Trevor Buchanan had taken their lives in a suicide pact.

Mr Justice Hart fixed the minimum term to be served by Howell before he can be considered for release by the Parole Commissioners. 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

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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.

Mr Justice Hart said:

“These were truly heinous crimes, constituting as they did the cold blooded, carefully planned and ruthlessly executed double murder of two people who Howell saw as standing in the way of his adulterous desire to be with Hazel Buchanan. Each murder was carried out when the victim was asleep and thus entirely defenceless. Even when they stirred in their sleep Howell did not draw back and spare their lives, but physically subdued their faint signs of approaching consciousness, thereby ensuring their deaths.”

The judge added that as a consequence two innocent people were murdered, and six children deprived of the love of their mother or their father: “The reputations of their innocent parents, who had already been wronged by Mr Howell, were further stigmatised by the false implication that they had taken their own lives in a suicide pact”. Mr Justice Hart said he had read victim impact statements from two of Mr Howell’s children, from Lesley Howell’s brother, and from members of Trevor Buchanan’s family which showed that many lives had been gravely affected for many years by the murders.

The court was also told that, while the prosecution accept that Mr Howell was not motivated by money when he committed the murders, he had been in financial difficulties at the time and profited financially from his wife’s death. Mr Howell inherited her estate and that of her father who had died a few days before, as well as receiving the proceeds of a number of insurance policies. As a result he received various sums amounting to just over £414,000.

Mr Justice Hart set out the aggravating factors in the case: the way in which the murders were planned and carried out, the grave effect they had on the lives of so many, the financial benefits to Mr Howell, and the pain and grief he allowed others to experience for so many years before he confessed his guilt.

In determining the mitigating factors, the judge considered psychiatric reports prepared on behalf of Mr Howell. Mr Justice Hart concluded that Mr Howell was an intelligent man who knew exactly what he was doing throughout. The judge considered that the only mitigating factor in the case

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was Mr Howell's confession and his willingness to give evidence for the prosecution. The court was told that Mr Howell had concealed his guilt for nearly two decades until he was "driven by his conscience to confess", first to his second wife and then to the elders of a Christian Fellowship he had joined, and they contacted the police. Mr Justice Hart said the confessions were a factor that must be taken into account in his favour, not least because had he not confessed he would never have been brought to justice for the crimes.

Mr Justice Hart concluded that the sentence must recognise that these were two separate murders, and although they were closely connected in both time and the manner in which they were carried out, they were nevertheless distinct and separate crimes, each characterised by the aggravating factors noted above: "Had Howell been convicted of these murders after pleading not guilty I consider that a minimum term of 28 years imprisonment would have been appropriate".

Taking account of Mr Howell's confession to the police, as he is required to do by statute, and that he has volunteered to give evidence against his co-defendant Mrs Stewart, the judge found that he had accepted his guilt and given practical expression to his remorse. He fixed the minimum term that Mr Howell must serve in full before he is eligible to be considered for release as 21 years. This will include the time spent in custody on remand.

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. Mr Justice Hart's full sentencing remarks are also available on the Courts and Tribunals Service website.
3. 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.

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