

# Judicial Communications Office

Friday 13 May 2011

## COURT PASSES SENTENCE FOR HEROIN DEATH

### Summary of Judgment

Mr Justice Hart, sitting today in Dungannon Crown Court sitting in Belfast Crown Court, imposed a determinate custodial sentence of five years (two and a half years imprisonment followed by two and a half years on licence) on Conor McVeigh who pleaded guilty to offences relating to the death of Gareth Dallas on 5 December 2009.

The court heard that Gareth Dallas was a heavy drug user. On 28 November 2009 he was undergoing treatment for his addiction in the Addiction Unit at Holywell Hospital when he met and formed a relationship with Jade Harrison who was also undergoing treatment. Dallas phoned McVeigh by mobile phone and asked him to bring him a bag of cannabis. McVeigh did this and Dallas and Harrison smoked it.

Harrison was discharged from the hospital on 2 December. Dallas discharged himself on the same day, apparently because his mobile phone had been confiscated by hospital staff. On 4 December Harrison travelled to Cookstown where she met Dallas and went to the home he shared with McVeigh. Harrison told the police that Dallas arranged for a delivery of cannabis from a supplier and they smoked two cannabis joints.

McVeigh arrived home from work at about 6.35 pm. He left the house around 8.00 pm and arrived back shortly afterwards with some heroin. McVeigh prepared the heroin in a tinfoil trough, which he heated and then proceeded to inhale the smoke, sharing it with Dallas and Harrison. Dallas then told McVeigh he wanted more heroin and went out with another friend, William McGucken to purchase this.

Harrison and McGucken gave differing accounts of what happened upon Dallas' return but both agreed that McVeigh made up a heroin solution in a spoon and heated it up. Dallas filled two syringes with liquid heroin from the spoon. He held out his arm to McVeigh, thereby inviting McVeigh to inject him with the heroin. Dallas then went into the living room and lay on the sofa. Harrison followed him, sat on another sofa and McVeigh injected

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her with the remainder of the heroin. Dallas and Harrison fell asleep. Harrison realised when she woke at 11.10 am that Dallas was dead.

McVeigh at first contested the charges but pleaded guilty just before the trial commenced.

Mr Justice Hart referred to the aggravating and mitigating factors. The first aggravating factor was McVeigh's criminal record. He had seven convictions for the possession of drugs. The judge said this shows that he had been a dedicated drugs user and offender over an extended period of time. A second aggravating factor was that McVeigh brought drugs into a hospital. Mr Justice Hart considered that the sentence for this count should be consecutive to the sentences for the other counts in order to recognise the gravity of the offence and the fact that it was a distinct offence on a different occasion.

Mr Justice Hart then referred to the mitigating factors. The first was that Dallas was already a heavy drugs user. The second was that it was his heroin which was used and was not supplied by McVeigh. The third was McVeigh's plea of guilty. Mr Justice Hart said that the credit for this plea, which was made at a late stage, had to reflect the failure of McVeigh to make any admissions during questioning and therefore a lack of co-operation with the police. He noted that the Court of Appeal has repeatedly emphasised that the maximum credit is given to those who make full admissions during interview, and therefore co-operate with the police, and who then plead guilty at the first opportunity. The final mitigating factor was that there were significant contradictions between the accounts of the two prosecution witnesses (Harrison and McGucken) who were the sole witnesses to what happened.

Mr Justice Hart also referred to the pre-sentence report on McVeigh. This stated that he claims that he is not fully responsible for what happened as he had been asked to do it by the deceased and Harrison. The judge considered this suggested that McVeigh does not fully accept his responsibility for what happened. He said:

"It may be that death was neither foreseen nor inevitable, nevertheless McVeigh bears a heavy share of responsibility for the tragic events of that night, even though it is clear that he was not solely responsible because he gave Dallas these drugs at Dallas' request".

Mr Justice Hart sentenced McVeigh to five years imprisonment. In accordance with the provisions of the Criminal Justice (NI) Order 2008 this

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will take the form of a determinate sentence of 2 ½ years custody followed by 2 ½ years on licence.

## 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 Courts and Tribunals Service website ([www.courtsni.gov.uk](http://www.courtsni.gov.uk)).

**ENDS**

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