

Judicial Communications Office

Tuesday 21 December 2010

COURT OF APPEAL INCREASES SENTENCE IMPOSED ON EAMONN COYLE

Summary of Judgment

The Court of Appeal today increased the sentence imposed on Eamonn Coyle for the manslaughter of his grandfather. The Director of Public Prosecutions brought an application for leave to refer the sentence on the ground that it is unduly lenient. The original sentence of one years detention followed by 2 years on licence was replaced with a sentence of 2 years detention followed by 2 years on licence.

Eamonn Coyle pleaded guilty to the offence of manslaughter. The plea was accepted by the prosecution but the factual basis upon which the plea was entered was not agreed between the prosecution and defence. Eamonn Coyle contended that he did not physically touch or harm his grandfather, Francis O'Neill. He claimed that he entered his grandfather's house, found him lying in the chair in the living room, panicked and left the house. He accepted the manslaughter charge on the grounds that death occurred by his failure to call an ambulance when he found his grandfather.

The prosecution accepted that a jury might not conclude beyond reasonable doubt that Eamonn Coyle had gone to the house with premeditation to murder. The pathologist's evidence indicated that death had probably occurred when the deceased had been grabbed round the neck by the crook of an arm. It was also apparent that a knife had been used in the incident as there were two wounds to the deceased's neck. One was a stab wound which had penetrated his neck to the pharynx with a track of 9 cms although this did not cause significant damage. The evidence also showed that Eamonn Coyle had taken approximately £80 in cash from his grandfather's wallet. It was accepted that this money was obtained with force and amounted to robbery. This money was used to pay Eamonn Coyle's rent which was urgently due. At approximately 1.00 am the following day, Eamonn Coyle told one of his friends that his grandfather was dead. They returned to the premises and raised the alarm. He contended that he had gone to his grandfather's house because of a premonition.

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Lord Justice Higgins, delivering the judgment of the Court of Appeal, considered there were a number of aggravating factors in the case. The victim was a frail and elderly man. He was attacked in his home where he lived alone. A knife was used in connection with the attack. The trial judge, Mr Justice McLaughlin, found that Eamonn Coyle did not intend to harm his grandfather but the Court of Appeal said the fact that the knife penetrated 9 cms into the neck showed at least a lack of care in the control of the knife. Further aggravating factors included the lasting effect that the crime has had on Mr O'Neill's sister.

The Lord Justice then referred to the mitigating factors. One of these was Eamonn Coyle's age at the time. He also referred to rehabilitative programmes that Eamonn Coyle had participated in effectively while on bail.

The Court of Appeal said that guideline cases indicated that an attack on a frail elderly man in his own home in the course of a robbery would have attracted a sentence of imprisonment of 8 to 10 years in the case of an adult and more if there had been a relevant criminal record. Eamonn Coyle was 16 at the time of the offence. He was therefore, in accordance with legislation, to be treated as a child by the court. Lord Justice Higgins said that the principal aim of the youth justice system is the protection of the public by the preventing of offending. He noted that there is a specific requirement in the legislation to have regard to the welfare of children. Relevant case law suggests that a sentence of detention should be a last resort for children and for the minimum period necessary. Lord Justice Higgins added, however, that this ought not to prevent a court imposing an appropriately severe sentence where necessary.

Lord Justice Higgins also referred to the difference in approach to the sentencing of children, as opposed to adults, as set out in legislation. The Treatment of Offenders Act (NI) 1968 states that a court shall not pass a sentence of imprisonment on a person under the age of 21 but may pass a sentence of detention for up to four years for persons between the ages of 16 and 21. The Lord Justice said that the purpose of these provisions is clearly to ensure that young people who must be detained are generally placed in detention in circumstances where there can be a focus on rehabilitation away from the influence of repeat offenders.

The Court of Appeal concluded that in this particular case the appropriate sentence was between 5 and 6 years imprisonment. The court was, however, required to take into account the principle of double jeopardy which arose in this case because Eamonn Coyle had to undergo a further examination of his liability to punishment. Taking this into account, the Court of Appeal concluded that the appropriate sentence was a period of detention of 4 years.

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As the maximum period which an offender must serve in custody in respect of such a sentence of detention is now fixed by legislation as not exceeding one half of the sentence, the Court of Appeal ordered that Eamonn Coyle be detained for 2 years with a further 2 years on licence. The sentence runs from the time that it would have run if passed in the Crown Court (ie 1 November 2010).

NOTES FOR 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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