

Judicial Communications Office

Friday 20 May 2011

COURT SETS MINIMUM TERM OF 18 YEARS IMPRISONMENT TO BE SERVED BY KENNETH MCCONNELL

Summary of Judgment

Mr Justice Hart, sitting today in Belfast Crown Court set the minimum term of imprisonment to be served by Kenneth McConnell for the murder in 1989 of Mrs Annabella Symington.

Mrs Symington was 77 years old at the time of her murder and lived alone in a quiet residential area of South Belfast. Her body was discovered by a neighbour who attended her house when one of her sisters became concerned at her failure to answer the telephone. Her cause of death was established as asphyxia due to suffocation. Her cardigan had been stuffed into her mouth.

DNA samples were recovered from Mrs Symington's nails and cardigan at the time of her death but due to a lack of results no one was charged with her murder. Advances in technology and scientific techniques enabled further analysis of the samples to be conducted in 2010. These revealed the presence of Kenneth McConnell's DNA in mixed profiles obtained from both Mrs Symington's nails and cardigan.

Kenneth McConnell, at the time a police inspector in the RUC, was a friend of Mrs Symington's niece, Margaret Fleming, and she had made no secret of her expectation that she would inherit a substantial sum of money from her aunt upon her death. Kenneth McConnell at that point was in financial difficulties due to a gambling habit. Mrs Fleming made a statement to police in 1992 in which she described how in August or September 1989 he asked her to contact her aunt to try and persuade her aunt to lend him £11,500. Her aunt had refused at the time saying that she did not have that amount of money readily available. At the time of her aunt's death Mrs Fleming had formed the suspicion that the defendant had murdered her aunt and broached the matter with him but he denied it.

The case was re-opened in 2009 and Mr McConnell was arrested in January 2010. He made admissions to the police about the extent of his gambling addiction, asking Margaret Fleming for a loan prior to her aunt's death and

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the fact that Mrs Fleming had asked him if he knew anything about her aunt's murder. He denied the murder and it was only when faced with the DNA evidence that he confessed.

He admitted that he had gone to Mrs Symington's house and asked her for money. He described how she had refused to give him money and when she went to telephone her niece he had pulled her back from the phone. A struggle ensued and she started to scream at which point he put his hands around her mouth and somehow part of her cardigan got into her mouth. He described how he kept his hands over her mouth until she was quiet. He admitted that he tried to remove any fingerprints he may have left and then looked around the house for cash, taking £100-£200 from Mrs Symington's purse which he later threw into the Lagan.

Mr Justice Hart set out the aggravating factors of the case: the fact that McConnell had stolen from Mrs Symington after killing her and the grave breach of trust by him in abusing the knowledge that he had gained about her through his friendship with her niece and the fact that he was a serving police inspector at the time. He also referred to Mr McConnell's conviction for blackmail subsequent to Mrs Symington's death which he considered cancelled out his clear record at the time of the murder.

The judge referred to pre sentence reports he had received in which Kenneth McConnell was described as "an amoral person devoted to self justification". He also referred to the psychiatric reports which described Mr McConnell's compulsive addiction to gambling throughout almost the entirety of his adult life.

He said:

"... I have no doubt that this addiction was severe and long lasting, and led him to approach Annabella Symington for money."

Mr McConnell's legal representative submitted that his addiction should be regarded as reducing his culpability because he was not in control of his normal faculties at the time.

Mr Justice Hart said:

"... it must be firmly stated that addictions, whether to alcohol, drugs or gambling cannot provide mitigation for the commission of serious crimes."

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The judge referred to a victim impact report he had received from another niece of Mrs Symington in which she described in telling words her own grief and the effect of their sister's murder on her late mother and two aunts. Their lives were blighted in their declining years and each died without knowing who had been responsible for her death.

Mr Justice Hart considered that the only mitigating factor was Kenneth McConnell's plea of guilty but that the lateness of that plea cast doubt on any expression of remorse that he had given.

“There is no legitimate reason why the defendant should have maintained his plea of guilty to such a late stage, and it is indicative of a desire on his part to minimise his conduct in carrying out this brutal murder of an elderly lady who had quite properly refused to provide him with the means to continue to fund his addiction.”

The judge fixed the term that Mr McConnell must serve in full before he is eligible to be considered for release as 18 years. This will include 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).

ENDS

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