

# Judicial Communications Office

Friday 18 February 2011

## McGEOUGH GUILTY OF ATTEMPTED MURDER

### Summary of Judgment

Mr Justice Stephens, sitting today at Belfast Crown Court, found Terence Gerard McGeough guilty of the attempted murder of Samuel Joseph Brush almost 30 years ago in June 1981. He also found Mr McGeough guilty of possessing firearms with intent and IRA membership. Vincent McAnespie was acquitted of the charges against him.

The Judge, who presided over the trial without a jury, heard that Mr Brush, was a postman, and part time member of the Ulster Defence Regiment. He was authorised to carry a personal protection weapon and always took it with him on his postal run. He was carrying his weapon as well as wearing body armour on the day he was ambushed and shot.

On 13 June 1981, McGeough and a second man arrived at 6.00am at the home of Mrs Mary McGarvey, who lived in an isolated rural area some 4½ miles from Aughnacloy, and informed her that they were from the IRA and wanted her house until after 1.00pm. They were carrying handguns and told her that they would not harm her. Two of her neighbours called during the course of the morning and were held in the house along with her.

Mr Brush arrived at Mrs McGarvey's house to deliver her mail at approximately 1.00pm. He got out of his van, leaving it running, to post the letter through the front door. As he turned to get back into the van a gunman appeared from a lean to building adjacent to the house and fired at him with a revolver from a distance of 10-12 feet. Mr Brush was shot in the chest and right shoulder but managed to run up the lane from the house and away from the gunman. Shots were still being fired at him as he ran and he was hit twice more in the back. He managed to draw his weapon and realised due to the seriousness of his injuries that if he didn't get away he was likely to die. He turned to go back to his van and saw a second gunman standing on the lane pointing a revolver at him. Mr Brush fired two shots at the gunman who moved out of his line of sight. Mr Brush then heard rustling in a hedge beside him and believing that the other gunman had tried to circle round behind him shot another two rounds from his gun into the hedge. He was then able to make his way back to his van and drive to Ballygawley Police Station and was then taken to hospital.

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According to the evidence of Mrs McGarvey, the two gunmen returned to her door after the attack and one of them said to her that he was shot. Michael Russell one of the neighbours who had been in the house was ordered to drive the injured gunman to hospital and both men left with him in his car.

Approximately 2½ hours after the incident a male person by the name of Gerard McGeough was admitted to Monaghan County Hospital suffering from a gunshot wound to the chest. Due to the seriousness of his condition he was transferred to St Vincent's Hospital in Dublin where he was operated on to remove a bullet. He was transferred back to the Monaghan County Hospital under police guard but subsequently escaped.

After full consideration of the evidence Mr Justice Stephens found that Terence Gerard McGeough was one of the gunmen who attempted to murder Mr Brush and was also the gunman shot by him in self defence.

His conclusions were based on a number of reasons including the facts that:

- the shooting incident occurred at 1.00 pm on 13 June 1981 and the person suffering a gunshot wound was admitted at approximately 3.30 pm to Monaghan General Hospital which is in close proximity to where the shooting occurred.
- The name of the male who was admitted to Monaghan General Hospital was given as "Gerard McGeough" and his age as 22. The defendant is known as Gerard McGeough and he was then 22 years of age.
- "Gerard McGeough" had a large eagle tattoo on his arm as does the defendant Terence Gerard McGeough.
- The bullet removed from the patient was consistent with bullets fired from the personal protection weapon of Mr Brush.
- Terence Gerard McGeough has scars of precisely the shape and dimensions to be expected from the operation performed on 13 June 1981 to extract a bullet from "Gerard McGeough's" chest.
- The adverse inference to be drawn from the failure of Terence Gerard McGeough to give evidence and to account for the scarring to his torso.

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The judge's findings were also supported by an asylum application made by Terence Gerard McGeough in Sweden in August 1981. The personal details contained in that application are all the same as Mr McGeough's particulars. A handwritten letter in support of the application contains admissions and details of McGeough's involvement in the attack on Samuel Brush.

In relation to Vincent McAnespie the Judge found that there was no direct evidence to connect him with the shooting incident. All of the evidence against him was hearsay and contained in witness statements from Joseph McCann and Bridget McCann. Mr McAnespie gave evidence and was subject to cross examination during the trial but the McCann's were not.

In reaching his conclusion Mr Justice Stephens said:

"My assessment of Vincent McAnespie as a witness leaves me with a doubt as to the evidence against him, that doubt is reinforced by the hearsay nature of the evidence against him, the fact that both of those witnesses were suspects and for the purposes of this judgment one of them in possession of the two weapons and playing a role in tipping off and thereby assisting an offender, Peter Russell."

Terence Gerard McGeough will be sentenced on a date to be fixed.

## 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](http://www.courtsni.gov.uk)).
2. Terence Gerard McGeough was charged with attempted murder, possession of two firearms with intent and two counts of membership of a proscribed organisation, namely the IRA.
3. Vincent McAnespie was charged with possession of two firearms with intent, possession of two firearms in suspicious circumstances, and assisting an offender, namely Terence Gerard McGeough.
4. On 28 May 1982 Peter Russell was convicted of the offence of possession of two revolvers and two rounds of ammunition under such circumstances as to give rise to a reasonable suspicion that he did not have the same in his possession for a lawful object, contrary to Article 23 of the Firearms (Northern Ireland) Order 1981.

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**ENDS**

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