

# Judicial Communications Office

**Tuesday 23 November 2010**

## JUDGE SENTENCES

### Summary of Judgment

Mr Justice Hart, sitting today at Belfast Crown Court, sentenced Garry James John Meenan and Nadine Kelly for their parts in the death of Emmet Shiels on 24 June 2008. Meenan was sentenced to a total of eight years imprisonment. Kelly received a sentence of twelve months imprisonment, suspended for two years.

Emmet Shiels was delivering pizzas in Londonderry on the night of 23/24 June 2008 when he was shot. The court heard from a number of witnesses that a group of armed men were moving around the Bogside area dressed in paramilitary camouflage clothing and wearing masks. This was confirmed by CCTV pictures from several locations. The judge said he was entirely satisfied that this group was “intent on asserting unlawful authority over the area by inflicting injury on those of whose activities they disapproved”.

Emmet Shiels had stopped to speak to a number of young men who were in the area and who had been confronted by the gang. He invited them into his van and they drove round the area in an attempt to identify the group. The group confronted the gang and started to chase them. At least two gunmen fired shots at the group, and one of these was the bullet that struck Emmet Shiels and caused his death.

Meenan’s girlfriend at the time, Nadine Kelly, made a witness statement to the police on 26 June in which she said that Meenan was with her at the time of the shooting. Meenan came voluntarily to Strand Road PSNI Station four days later although at that time he refused to answer any questions relating to his alleged participation in the shooting of Emmet Shiels. He later pleaded guilty to manslaughter. This plea was accepted by the prosecution on the basis that, although he was part of a joint enterprise involving the use of firearms, it could not exclude the possibility that Meenan did not realise that any member of the gang would use the firearm to kill or cause serious bodily harm, either of which had to be established to prove the charge of murder.

Mr Justice Hart referred to the victim impact reports and victim impact statements that he received from the family of Emmet Shiels. He said that in different ways the reports and letters reveal the effect of his death upon each

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of them, and each displays an acute sense of loss and deprivation. The judge said that they describe an “extremely hard-working young man who was a credit to his family, and who was just about to become a father at the time of his death”.

In sentencing Nadine Kelly the judge said that she foolishly lent herself to a deliberate attempt to pervert the course of justice by giving Meenan a false alibi. He added that those who behave in such a fashion undermine the whole system of justice by doing what they can to protect others from the consequences of criminal activity. He referred to the pre-sentence report which stated that her main motivation was her “misguided loyalty to her boyfriend and her desire to protect her family unit regardless of the consequences for others”. Mr Justice Hart noted her clear criminal record and her plea of guilty. He took account of these factors and her parental responsibilities and imposed a sentence of 12 months imprisonment suspended for two years.

Mr Justice Hart then went on to sentence Garry James John Meenan. He said that the events involved an armed gang seeking to assert unlawful domination of the area and to replace the lawful authority of the state. When those taking part in such behaviour are armed with loaded weapons there is every risk that there will be loss of life:

“Such conduct must result in heavy sentences in an attempt to deter those who may be tempted to become involved in such conduct from doing so, and to bring home to them and others the consequences of such behaviour. Those who take part, whether they fire the fatal shot or not, by their presence lend support and encouragement to others who are members of the same armed gang. Therefore, whilst the heaviest punishment must be reserved for the person who fired the fatal shot, nevertheless others who are part of the group must also expect severe sentences”.

The judge referred to a pre-sentence report on Meenan as well as a number of references on his behalf. He also heard evidence from the principal of the school that Meenan had attended who said that there had been no problems with Meenan’s behaviour and he had an excellent attendance record. Mr Justice Hart said that an immediate custodial sentence is inevitable in this case:

“Grave though the consequences of these events were, and although the defendant took an active part in the events of

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that night, it is accepted [by the prosecution] that he did not fire the fatal shot.”

Mr Justice Hart noted that Meenan has no previous convictions and there is no evidence to suggest that there will be a significant risk of harm to members of the public from him in the future. He sentenced him to a total of eight years’ imprisonment.

## 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](http://www.courtsni.gov.uk)).
2. Mr Justice Hart’s judgment of 23 November 2010 is also available on the Court Service website.
3. Meenan pleaded guilty to unlawfully killing Emmet Shiels, possession of a firearm with intent, and common assault (x3). He was sentenced to eight years imprisonment on the manslaughter count, six years imprisonment for possession of a firearm with intent, and six months imprisonment on the assault counts. All the sentences will be concurrent.
4. Kelly pleaded guilty to one count of intending to pervert the course of justice.

ENDS

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