

Judicial Communications Office

Tuesday 24th May 2011

JUDGE EXPRESSES CONCERN ABOUT ARRANGEMENTS FOR MENTALLY ILL REMAND PRISONERS IN NORTHERN IRELAND

Summary of Judgment

Mr Justice Hart, sitting today in Craigavon Crown Court sitting at Belfast, imposed an indeterminate custodial sentence with a minimum of five years imprisonment on Michael Philip McGleenon who had pleaded guilty to the manslaughter of his father on the grounds of diminished responsibility.

The court heard that on 12 November 2009 the police in Lurgan received a 999 call from McGleenon reporting that there was an intruder in his house, and that bombs had been placed in the garage of the house. In subsequent calls he reported that his father was dead, that he was mentally ill and had recently been discharged from a psychiatric unit at Craigavon Hospital. The police forced entry into the house and discovered the body of McGleenon's father, Michael Joseph McGleenon, on the floor of the upstairs bedroom. He had 19 stab wounds to his chest and a considerable number of superficial piercing injuries on his back suggestive of the light prodding with a knife. The pathologist concluded that he had been subjected to a very violent and prolonged attack. McGleenon pleaded guilty to the manslaughter of his father on the grounds of diminished responsibility.

Evidence was presented that McGleenon started to develop serious paranoid persecution delusions around 2005. He was admitted to a psychiatric unit in Munich where he lived at the time. He returned to live in NI in 2008 and medical records showed that he was admitted to a psychiatric unit here on two occasions. McGleenon was prescribed anti-psychotic medication but the court heard that on several occasions in October and November 2009 it was noted that he was not taking his medication. He killed his father a few days after being released from hospital.

Mr Justice Hart referred to two psychiatric reports presented to the court. Both agreed that McGleenon suffered from a well documented and increasingly severe psychiatric condition. Whilst the reports differed as to the

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exact nature of the psychiatric illness, they were in agreement that it took the form of a serious mental illness which subsequently impaired his responsibility. The court heard that McGleenon's family accepted this and were concerned that he receives appropriate treatment for his condition rather than punishment.

The judge said that the medical evidence suggested that it is not possible to say whether McGleenon will be fit to be released from prison, and if so when, except that even if the treatment envisaged is successful it is likely to take at least five years from the time he is transferred to the State Hospital in Carstairs after he is sentenced. The success of the treatment will be dependent upon McGleenon agreeing to take, or being compulsorily subjected to the administration of, medication. Mr Justice Hart said that if McGleenon is released at some time in the future and he does not take his medication, there will be a real risk that he could again develop the persecutory and paranoid beliefs about others which not only led to the tragic events culminating in his father's death, but which he also developed in relation to other people in the past. Mr Justice Hart said in order to protect the public from the consequences of this, he was satisfied that there would be a continuing need for some form of compulsory medical oversight or continuing review of McGleenon's medical condition after any release from custody.

Mr Justice Hart concluded that the most appropriate type of sentence in this case was the imposition of an indeterminate custodial sentence. Taking account of the evidence presented to the court and McGleenon's plea of guilty, the judge imposed a minimum term of 5 years imprisonment. Mr Justice Hart emphasised that an indeterminate custodial sentence means that McGleenon will only be released when the Parole Commissioners are satisfied that it is appropriate to release him in the light of the way in which he responds to the medical treatment he will receive at Carstairs.

Mr Justice Hart said he wanted to take the opportunity to express concern that legislation has not yet been put in place which would allow remand prisoners suffering from severe mental illness to be transferred from Northern Ireland to Carstairs. This would permit them to receive appropriate treatment in a high security hospital while awaiting trial. At present they have to be sentenced before they can be transferred to receive treatment. This gap in the legislation was most recently highlighted by Mr Justice Stephens in the case of Mark Warwick in 2008. Mr Justice Hart said:

“Defendants who commit serious crimes because they suffer from grave mental illness do not attract public sympathy, but it is most unsatisfactory that years after the gap in the

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necessary legislative provisions have been identified steps have not yet been taken to enable remand prisoners to be transferred to institutions such as Carstairs. I hope that the necessary authorities will give this continuing problem the early attention it deserves.”

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

If you have any further enquiries about this or other court related matters please contact:

Alison Houston
Judicial Communications Officer
Lord Chief Justice's Office
Royal Courts of Justice
Chichester Street
BELFAST
BT1 3JF

Telephone: 028 9072 5921

Fax: 028 9023 6838

E-mail: Alison.Houston@courtsni.gov.uk