

Judicial Communications Office

Thursday 8 December 2011

COURT SETS MINIMUM TERM OF 25 YEARS IMPRISONMENT TO BE SERVED BY ROBERT BLACK

Summary of Judgment

Mr Justice Weatherup, sitting today in Belfast, set the minimum term of imprisonment to be served by Robert Black for the kidnapping and murder of Jennifer Cardy on 12 August 1981.

The judge told Black that his crime was particularly serious:

“On 12 August 1981 you abducted a 9 year old girl from near her home. This was an act of sexual predation. Whether you sexually assaulted Jennifer has been a matter of some debate but there can be no doubt that the abduction was intended to further a sexual purpose. Within hours of that abduction Jennifer had died by drowning as a result of your actions in placing her in water. You subjected a vulnerable child to unpardonable terror and took away her life. By the matter of that loss you also wounded forever a family that treasured that child. It was a wicked deed.”

Mr Justice Weatherup referred to the victim impact statements that had been provided by Jennifer’s father and her brother Philip. He said her brother was a 6 year old who lost his sister:

“[Philip] speaks of fear and dread, of a child’s nightmare of the family being targeted again, of dreams of what Jennifer’s last words were and how she would have struggled in her final hour alive. Taking a life of a family member takes away parts of the lives of many others.”

The judge said that this was a case where Black’s culpability was exceptionally high and the victim was particularly vulnerable. It therefore warranted the higher starting point of 15 or 16 years. He referred to the aggravating factors being the concealment of the body and Black’s previous criminal record. There were no mitigating factors relating to the offence or the offender.

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Mr Justice Weatherup said that a substantial upward adjustment in the minimum term of imprisonment was appropriate in this case because the victim was a vulnerable child and there was evidence of maltreatment for sexual purposes and of degradation. He fixed the minimum term of imprisonment at 25 years.

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).
2. The minimum term is the term that an offender must serve before becoming eligible to have his or her case referred to the Parole Commission for them to consider whether, and if so when, he or she can be released on licence. Unlike determinate sentences, the minimum term does not attract remission. If the offender is released on licence they will, for the remainder of their life, be liable to be recalled to prison if at any time they do not comply with the terms of that licence. The guidance is set out in the case of R v McCandless & Others [2004] NI 269.
3. A Practice Statement, [2002] 3 All ER 417, sets out the approach to be adopted by the court when fixing the minimum term to be served before a person convicted of murder can be considered for release by the Parole Commissioners. It also sets out two starting points. The lower point is 12 years, and the higher starting point is 15/16 years imprisonment. The minimum term is the period that the court considers appropriate to satisfy the requirements of retribution and deterrence having regard to the seriousness of the offence. This sentencing exercise involves the judge determining the appropriate starting point in accordance with sentencing guidance and then varying the starting point upwards or downwards to take account of aggravating or mitigating factors which relate to either the offence or the offender in the particular case.

ENDS

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