

Judicial Communications Office

Wednesday 6 April 2011

TERENCE McGEOUGH SENTENCED TO 20 YEARS IMPRISONMENT FOR ATTEMPTED MURDER

Summary of Judgment

Mr Justice Stephens, sitting today at Belfast Crown Court, sentenced Terence Gerard McGeough to a total of 20 years imprisonment for the attempted murder of Samuel Brush on 13 June 1981.

Mr Justice Stephens, 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 carrying his personal protection weapon as well as wearing body armour on the day he was ambushed and shot near Aughnacloy.

McGeough was found guilty on 18 February 2011 of four offences:

- Attempted murder of Samuel John Brush on 13 June 1981;
- Possession of two firearms with intent;
- Membership of the IRA between 1 January 1975 and 1 June 1978 contrary to the Northern Ireland (Emergency Provisions) Act 1973; and
- Membership of the IRA between 31 May 1978 and 14 June 1981 contrary to the Northern Ireland (Emergency Provisions) Act 1978.

The judge referred to the sentencing guideline cases relevant to each of the offences. He said that sentencing for terrorist crime should give effect primarily to the principles of deterrence, retribution and prevention. He cited a 2005 case which stated that “the deterrent component of the sentence should be enhanced when the crime has, as here, a paramilitary setting. So long as paramilitary violence continues in our society, therefore, those convicted of offences associated with that type of violence should receive more severe sentences, as a general rule, than those whose crimes are committed in a non-terrorist context”.

Mr Justice Stephens considered the aggravating and mitigating factors. He listed the aggravating factors including the fact that it was a politically motivated terrorist offence which was planned. He also cited McGeough’s enduring commitment over a number of years to terrorism, his leading role

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which he played as a terrorist and the fact that he absconded after the offence. Mr Justice Stephens noted that McGeough had expressed no remorse for the offences he committed. He added that McGeough perceived himself to be a leader “though there is an element in that leadership of narcissistic disdain for others including disdain for the “rather uninspiring lot” who [McGeough] remembered at one stage to have been [his] fellow recruits to the IRA”. The judge said McGeough had adopted this attitude of failing to express remorse despite having had many years to reflect.

Mr Justice Stephens then considered the mitigating factors. He heard that McGeough attended Trinity University from 1998-2002. He was employed as a teacher and vice-principal at a school in Dublin until 2006. He also worked as a journalist with a Catholic paper, “The Irish Family” and as editor of the “Hibernian Magazine”. The judge said that McGeough had chosen not to assist the probation officer in his attempts to analyse whether he presented a risk of harm to the public and a likelihood of re-offending. However the judge accepted that McGeough had changed his way of life and was committed to the peace process and democracy. This was evidenced by the character references he received, including one from Michelle Gildernew MLA in 2007 who stated her firm view that McGeough represented no threat whatsoever to the ongoing peaceful situation. This change in his way of life was a significant mitigating feature in so far as there was no risk of re-offending by McGeough and therefore no need to deter him as opposed to deterring others. Mr Justice Stephens said, however, that there was a clear need to deter other terrorists. Mr Justice Stephens emphasised:

“There should be a clear message to others that no matter how long is the time that elapses and no matter what changes occur in a terrorist’s way of life that condign punishment will be imposed for committing such offences once they have been brought to justice. There is a continuing and compelling need to deter all other potential terrorists.”

The judge also referred to the impact on the victim, Mr Brush. He said that as well as his injuries, there were other major effects of the attack. Those are the effects on his family members, on his emotional well being, on his work and on his security:

“He has had to endure years of suffering. These effects are more enduring than the immediate effects on his physical health and they are pervasive. There has been no end to them and he cannot see an end.”

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Mr Justice Stephens sentenced McGeough to 20 years imprisonment for the offence of attempted murder, 12 years imprisonment for the offence of possession of firearms with intent, 4 years imprisonment for the offence of membership of the IRA from 1975-78 and 7 years imprisonment for the offence of members of the IRA from 1978-1981. All the terms of imprisonment are concurrent.

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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