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## Murder accused too young to be held in an adult prison until trial

### DISSIDENT ARRESTS

By Barry McCaffrey

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Defendant: A 17-year-old youth arrives at Lisburn Magistrates Court yesterday charged with the murder of Constable

Stephen Carroll PICTURE: Pacemaker

A 17-year-old charged with Constable Stephen Carroll's murder had been sent to a young offenders centre after he was judged too young to be held in an adult prison while awaiting trial.

There was heavy security in Lisburn, Co Antrim, yesterday with heavily armed police officers operating checkpoints on approach roads to the city's magistrates court for the hearing yesterday morning.

Police stopped and searched several people entering the courthouse.

Up to a dozen officers wearing bulletproof vests packed into the tiny court shortly before 11am.

The public were asked to leave the room before the defendant, who cannot be named for legal reasons, was led in.

District Judge Rosemary Watters said she was temporarily transforming proceedings into a youth hearing to allow the 17-year-old to be brought before the court.

Dressed in a grey T-shirt and jeans, he stood with his arms folded across his chest as the charges were put to him.

He is charged with:

murdering Constable Carroll (48), a Catholic father-of-one who was answering a 999 call at Lismore Manor in Craigavon, Co Armagh, on March 9

- possession of an AKM rifle and 26 bullets found near the scene eight days later

- Continuity IRA membership

- collecting information likely to be useful to terrorists between January 1 and March 9.

Detective Inspector John Caldwell confirmed to defence solicitor Patrick Moriarty that he could connect the teenager with the murder and that the youth had made no comment during the 18 interviews conducted over the 13 days he was held at Antrim police station.

Before he was charged on Monday night the teenager made legal history by becoming the suspect held for the longest time in police custody in Northern Ireland.

Mr Moriarty said his client denied the charges and would apply to the High Court for bail in the near future.

As he was led away the youth smiled to his mother, who had stood alone in the public gallery throughout the hearing.

He was remanded in custody to reappear via video-link on April 3.

It later emerged that the defendant could not be taken to Maghaberry jail, near Lisburn, due to his age and was instead taken to Hydebank Young Offenders Centre in south Belfast.

#### **Judicial review**

**Judges will today rule on a challenge to police being given more time to detain people arrested over the Antrim and Craigavon murders.**

**Those taking the case, who include prominent republican Colin Duffy, are contesting the granting of a seven-day extension to their detention pending forensic test results.**

**All claim that the extra period of custody is unlawful and that the county court judge who oversaw the extension failed to justify it.**

**However, after the six applicants won the right to seek a judicial review, the PSNI's legal team stressed that detectives were working flat out.**

**Paul Maguire QC told the High Court in Belfast: "This was a very important investigation. The stakes were very high – an investigation of this type with two incidents which were of the highest possible significance to society as a whole.**

**"The position consequently was that police were working overtime, as were laboratories, to try**

**to deal with these matters.”**

**Four of those taking the case, including Duffy, have been questioned about the dissident republican shootings of two British soldiers outside Massereene army barracks in Antrim on March 7. The other two were arrested in connection with the murder two days later of a police officer in Craigavon.**

**At the weekend an extension was granted under the 2006 Terrorism Act which allows police to hold suspects for up to 28 days before they must be formally accused or released.**

**A three-judge panel headed by Lord Chief Justice Brian Kerr was told that one of the suspects – who have been granted anonymity apart from Duffy – was receiving medical attention in custody.**

**Barry Macdonald QC, for the applicants, said the county court judge had failed to explain why the extension was necessary.**

**Due to the urgency of the case a further claim that it breached their right to liberty under the European Convention on Human Rights was set aside to allow a full hearing to proceed.**

**Mr Maguire disclosed details from an affidavit submitted by the detective superintendent leading the investigation into the Massereene killings.**

**The officer believed the forensic results would be ready within a week and could lead to charges or more interviews, he said.**

**Mr Maguire also defended the efforts of the judge who granted the extension, saying she had sat almost continuously for two days hearing the application.**

**“The court was sitting into the small hours and then reconvening again,” he said.**

**Sir Brian said the issues involved were extremely important.**

**“They are by no means free from complexity. Therefore we will reserve judgment overnight and we will give it first thing tomorrow morning,” he said.**

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