

UNDER/ SEC 138/6 83/93

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ASST TMC
SEC 108/6
- 8 JUN 1993
CENT MEW SEC

HEAD OF THE N.I.
- 7 JUN 1993
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CIVIL SERVICE

FROM: N P PERRY
Security Policy and Operations Division 1
4 June 1993

DESK IMMEDIATE

Mrs Murphy

- cc PS/Secretary of State B&L) - B
- PS/Michael Ancram (DENI, B&L) - B
- PS/PUS (B&L) - B
- ~~PS/Mr Fell~~ - B
- Mr Ledlie - B
- Mr Steele - B
- Mr Williams - B
- Mr Bell - B
- Mr Shannon - B
- Mr Lyon - B
- Mr Wood (B&L) - B
- Mr Leach - B
- Mr Cooke - B
- Mr Maccabe - B
- Mr White - B
- Mr Marsh - B
- Mrs Collins - B
- Dr Power - B
- Mrs Madden
- Mr Maitland
- Mr Treharne
- Mr McCaffrey - B

UNDER/ SEC 235/6
- 8 JUN 1993
CENT SEC

*in the light of 8/1
Good note.
Mrs Maitland
for file P.6
Steve
7/6*

PS/Mr Mates (B&L) - B

GLEN ROAD JOYRIDERS TRIAL - OUTCOME

Mr Justice Campbell this morning gave his judgement in the trial of six paratroopers charged in connection with the deaths of two joyriders - Karen Reilly and Martin Peake - in West Belfast on 30 September 1990. One soldier (Private Clegg) was found guilty of the murder of Reilly and sentenced to life imprisonment, and of attempting maliciously to wound Peake, with a four year concurrent sentence. Another (Private Aindow) was convicted of attempted murder, conspiracy to pervert the course of public justice, and making statements with intent to pervert the course of public justice; he was sentenced to seven years on the first count, with concurrent sentences of two and three years respectively for the other offences. The other defendants were acquitted of all charges.

MB/1069

UPPER/ 138/6 83/93

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the Court's Ruling

2. The basic facts of the incident were set out in Mr Rogers' submission of 3 June 1993 (Annex A to which contain details of the charges facing the accused). A patrol, divided into 4 bricks, was moving at night down a road on the outskirts of Lenadoon, when they encountered the car containing the joyriders. The car slowed down, and then accelerated through the soldiers in the third brick, who thereupon opened fire. During his lengthy judgement the Judge reviewed in detail the evidence that had been presented. There were various conflicts to be resolved, particularly over the precise location of individual members of the patrol during the incident, and whether the car, driven by Martin Peake, had struck Private Aindow and attempted to hit other soldiers as it drove through the patrol. Much of the dispute centred on the different accounts given by members of the patrol and by Constable Gibson, the policeman accompanying the soldiers, who maintained that the car had not been driven directly at the soldiers, and that the injury to Private Aindow, the rearmost soldier in the patrol who claimed to have been struck by the car, had been deliberately inflicted after the event.

3. In brief, the Judge accepted that the car had passed sufficiently close to Aindow, at speed and with its headlights full on, for him and his colleagues to have believed that he was in danger, and also that the car might then have swung across the road towards the other soldiers. He did not, however, accept that any soldier had been struck by the car, and believed the evidence of Constable Gibson and another civilian witness that the leg injury received by Aindow was fabricated subsequently.

Verdicts

- 4. The verdicts, and the reasons for them, were as follows:-
 - (a) Private Clegg. Clegg fired four rounds at the car, he claimed through the front windscreen and front wing. One of these bullets was subsequently recovered from the body of Karen Reilly. Clegg's defence was that he had done so because he thought Private Aindow was in

danger. Forensic evidence, however, indicated that the bullet which hit Reilly (one of two) had been fired through the rear of the car and Mr Justice Campbell was satisfied that it had contributed significantly to her death. In the Judge's view, while the first three shots fired by Clegg might have been fired as the car approached, and therefore could be justified in terms of self defence or the defence of others, the final round had definitely been fired after the car had passed him, and could not therefore be so justified. Nor was there any evidence to enable a defence under section 3 of the Criminal Law Act (reasonable in the circumstances or making an arrest) to be mounted. He therefore found Clegg guilty of Reilly's murder and of attempting to maliciously wound Peake.

(b) Private Aindow. Aindow fired six rounds. Four of these were fired as the car approached him or was level with him. The Judge was prepared to accept that these were fired in self defence. The last two shots, however, were fired after the car had passed him and could not be so justified, for the reasons given in the case of Clegg. It could not be proved that any of the rounds Aindow had fired had caused death or injury, but he admitted that he had fired at the driver. He was therefore found guilty of attempted murder. The Judge also decided that Aindow had subsequently allowed himself to be struck on the leg (though the others involved were not identified) and that he had made false statements to the police, and convicted him of conspiracy, and making false statements with intent, to pervert the course of justice.

(c) Acquittals. L/Cpl Boustead also fired on the car. The Judge was not convinced that the vehicle came as close to hitting him as he claimed but said it was reasonable for him to believe his life was in danger and therefore

to fire in self defence. Although Boustead may have fired after the vehicle had passed him this had not been proved and he was acquitted. L/Cpl Boustead, Lt Oliver, Corporal Wood and Private Treacy were acquitted of perverting the course of justice as the evidence against them was not conclusive. The charges of obstructing the police were also not proven - the Judge ruled that a physical element was necessary and was not present.

5. In sentencing Clegg and Aindow, Mr Justice Campbell said that the Courts would not tolerate members of the security forces acting outside the law. He added, however, that he gave them credit for serving society as soldiers, and recognised that they had found themselves in a very difficult and stressful situation which had not been of their making, and that their actions were not premeditated. He also took into account their good character, their youth at the time of the incident, the length of time they had spent in military custody (14 months), and the fact that their Army careers were in all likelihood over. In the case of Clegg, a life sentence was mandatory, but the four year concurrent sentence on the attempting to wound count reflected the unusual circumstances of this case. Similarly in the case of Aindow, the Judge commented, the usual sentence for attempted murder would be wholly inappropriate, and he would therefore impose a sentence of seven years only. In imposing concurrent sentences for the conspiracy to prevent the course of justice and false statement offences, he noted Aindow's previous good character.

Lines to take

6. There is likely to be considerable comment about this case in the media and elsewhere. The renewal debate next week will provide an opportunity for the case to be raised in the House. The lines to

UNDER/ 129/16 83/93

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ake provided in Mr Rogers' submission still stand. As there may well be an appeal in this case, it is essential that no comment is made about it. Mr Justice Campbell's full judgement should be available on Monday.

Signed

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MB/1069