

Neutral Citation No: [2019] NICoroner 11

*Judgment: approved by the Court for handing down
(subject to editorial corrections)**

Ref:

*Delivered: 17th September
2019*

IN THE CORONERS COURT FOR NORTHERN IRELAND

IN THE MATTER OF AN INQUEST INTO THE DEATH OF

Kieran Michael McManus

Before: Coroner Mr Patrick McGurgan

[1] The deceased, Kieran Michael McManus, born on 6th November 1986, of 41 Orchard Hill, Crumlin, County Antrim died on 30th March 2013.

[2] On the 30th March 2013, the deceased was working as a part-time Domino's Pizza delivery driver. At this time he was the driver of a silver Volkswagen Passat which he used when delivering pizzas. On 30th March 2013 the deceased commenced his shift at approximately 7-7.30pm. He was accompanied by his half-brother Christopher Donnelly and Christopher's friend, Aidan Muir. They also picked up the deceased's friend, Paul Crothers, sometime after the deceased started his shift. The others were present in the car to provide company, not as a result of concerns for the deceased's safety.

[3] In 2010 there was an incident in which an individual named Michael Smith was injured. The deceased and his brother pleaded guilty to offences arising from the incident and they were sentenced by the Crown Court in 2013. The 2010 incident appears to have created bad feeling between those who were involved, all or most of whom lived in and around west Belfast at that time.

[4] Owing to the resulting tension, the deceased's family, who had been living in Turf Lodge, moved out of Belfast, including the deceased, although he later moved back to Belfast in late 2012 or early 2013.

[5] In his evidence to the inquest, Martin McCabe, a cousin of the deceased described how, on father's day June 2012, he was with the deceased and a number of others at

the Trinity Lodge restaurant and bar in Belfast. An individual who is believed to have been affiliated with Michael Smith was present. Mr McCabe was aware there was some tension because of the earlier incident in 2010. The deceased, Mr McCabe and their other friends decided to leave the Trinity Lodge. Once outside however Mr McCabe described how they were surrounded by a group of men and an altercation ensued before they made their escape. Later, in November 2012, the deceased's car was burnt out.

[6] In his evidence to the Inquest, submitted under Rule 17, Stephen McGrillen stated that he was the store manager at Domino's Pizza, Kennedy Way Belfast in March 2013. He explained that the deceased had worked for Domino's as a delivery driver previously and that that employment came to an end. However the deceased had re-started as a delivery driver in early March 2013. Mr McGrillen said that the deceased was quiet as usual during his shift on the 30th March 2013 and that he had not expressed any concerns or worries. Mr McGrillen was responsible for the staff rota and because the deceased was working as an "extra" delivery driver that evening no other staff member would have known in advance that the deceased was going to work on Saturday 30th March 2013.

[7] In his evidence to the Inquest, Christopher Donnelly, the deceased's half-brother, described being with the deceased on the evening of 30th March 2013. Mr Donnelly was in his late teens at that time. The deceased arrived at around 5.30pm to his house in order to collect Mr Donnelly and Mr Muir. All three then proceeded to the deceased's flat where the deceased got ready for work, putting on his uniform. The three then went to Domino's Pizza, Kennedy Way, in the deceased's silver Volkswagen Passat. The deceased was driving. Mr Donnelly explained that he initially sat in the front seat whilst Mr Muir sat in the rear. After the first delivery they collected one of the deceased's friends Paul Crothers. At this stage Mr Crothers got into the front passenger seat whilst Mr Donnelly got into the rear of the car behind Mr Crothers with Mr Muir sitting behind the deceased. The four continued to do deliveries throughout the evening with the deceased returning to Domino's to collect the deliveries and when he did so he parked in the same parking bay each time. There was nothing eventful during the deliveries and there was no indication that the car was being followed or observed, although the witness admitted that he wouldn't have been looking out for any such signs. At around 11.10pm, after a brief visit to the neighbouring petrol station, they again returned to Domino's. The deceased parked his car in the same parking bay he had parked in each time he went to Domino's that evening. Mr Donnelly described how the deceased went into Domino's in order to collect the next delivery while the three others remained in the car. The deceased returned to the car a short time later with the next delivery in the Domino's bag. The deceased opened the rear off side door and placed the pizza on Mr Muir's lap. According to Mr Donnelly, he then heard a male's voice with a Belfast accent say "Alright Kieran". Mr Donnelly was of the opinion that the deceased knew the voice and that by the shock on his face he knew what was going to happen. There then followed two loud bangs and Mr Donnelly witnessed the deceased fall backwards onto the ground. He then saw a figure standing behind the deceased

wearing a dark coloured balaclava jump into the rear of a dark coloured Vauxhall Astra car. He believed the car had been in the gated alleyway running along the side of Carpet World and that it didn't have its headlights on. Mr Donnelly then heard a car door slam, the screech of tyres and the car speeding off. Mr Donnelly then got out of the car and went to assist the deceased.

[8] The significant parts of Mr Donnelly's evidence are corroborated by the CCTV obtained from the area by police.

[9] In his evidence to the Inquest, submitted under Rule 17, Paul Crothers stated that on Saturday 30th March 2013 the deceased, Mr Donnelly and another male whom he did not know at that time (Aidan Muir) called at his home at around 7.30-7.45pm. After completing approximately eight deliveries they returned to Domino's in order to collect a further delivery. Mr Crothers sat in the front seat of the car playing on his phone whenever he heard the rear off side car door open. The deceased then placed the pizzas on Mr Muir's knee and he stepped back slightly from the passenger door. Mr Crothers believed that the deceased was texting on his phone at this stage whenever he noticed a male run towards the deceased, grab him around the neck from behind and then he heard a bang after which he heard the deceased shout "aghh". No other witnesses observed the assault mentioned by Mr Crothers as immediately preceding the first shot. He described a second shot and again the deceased went "aghh" and fell to the ground. At this stage Mr Crothers opened the car door and rolled out onto the ground as he thought he may be targeted also. He recalled seeing the gunman wearing a khaki coloured coat. Mr Crothers heard tyres screeching as a car sped off. The witness's account was that the deceased hadn't expressed any fears about his safety that evening. He had complained about the possibility of being sent home early by his manager and earning less money, but nothing about his safety.

[10] In his evidence to the inquest, submitted under Rule 17, Aidan Muir, who was 16 years of age at the time, stated that on the night in question he left his home around 6pm and walked to Mr Donnelly's home. The deceased arrived a short time later and the three went to the deceased's flat where the deceased changed into his work wear and then they proceeded to collect Mr Crothers after the first pizza delivery. The four proceeded to make deliveries throughout the remainder of the evening and at around 11.05pm they returned once again to Domino's parking in the same parking bay which they had done throughout that evening. During the evening Mr Muir felt that the deceased was in good form and he voiced no concerns about any matter. He said that when they arrived at Domino's the final time, the deceased exited the car and went into the shop to collect his next delivery. The deceased returned very quickly with the next delivery and opened the rear off side door and leaned in and handed the pizza bag containing the pizza to Mr Muir. At this time, Mr Muir heard a male with a Northern Ireland accent say "alright Kieran", followed almost immediately by two loud bangs, one immediately after the other. Mr Muir instinctively put his head down and covered his ears. The deceased immediately fell backwards onto the ground, onto his back. On getting out of the car

Mr Muir saw the deceased lying on the ground on his back with blood coming from his mouth and back.

[11] In his evidence submitted under Rule 17, Ciaran Brown stated that on the night in question he was with a friend, Mr Cummings, who works for Domino's. He and Mr Cummings drove to Domino's in Kennedy Way so that Mr Cummings could collect keys for the shop as he was starting work early the following day. They pulled up adjacent to the side door and Mr Brown remained in the car as Mr Cummings went and collected the keys. Mr Brown then noticed a silver Volkswagen Passat parked in the parking spaces beside the wall to his left and the deceased walking towards the car carrying a pizza. Mr Brown then observed the deceased open the rear off side door of the car. He then saw a person who was wearing a black balaclava and black clothing appear. He then heard a gunshot followed by another gunshot. As he focused on this male he could see that he was holding what the witness described as a rifle, which appeared to be short in size. Mr Brown then witnessed the gunman walk off towards the rear passenger door of a black coloured Astra that appeared from a darkened laneway beside Carpet World. The Astra then sped off. Mr Brown exited the car and contacted the emergency services.

[12] CCTV has been played to the court during the inquest. It corroborated the main thrust of all of the civilian witnesses' accounts insofar as it covered the events dealt with in their evidence.

[13] Ambulance personnel arrived at the scene at 11.26pm after receiving the call from ambulance control at 11.22pm. The deceased was not breathing and he was taken to the Royal Victoria Hospital, Belfast where resuscitation attempts proved futile and life was pronounced extinct at 11.50pm on 30th March 2013.

[14] Mr Jonathan Greer Forensic Scientist from Forensic Science Northern Ireland (FSNI) gave evidence to the Inquest. He was of the opinion that the deceased sustained two gunshot wounds at close range fired from a double barrelled shot-gun of the breach type. He was also of the view that the weapon may have had its barrel sawn off. Various pieces of evidence to include gloves and a balaclava were submitted to him for forensic analysis but none yielded any positive forensic results. In addition, two shot guns seized from other crimes were compared with the evidence seized in this matter but neither could be positively matched as the weapon used in this shooting. No gun has ever been discovered during the searches undertaken during the investigation into the deceased's murder.

[15] In his evidence to the Inquest, Detective Sergeant Darragh outlined the extensive police investigation which followed this shooting. Over two hundred premises were visited with over 140 exhibits being seized. CCTV was extensively reviewed but this only yielded very limited results. The CCTV that captured the event was of a very poor quality. The scene was re-enacted two weeks after the incident and again one year later to try to provoke responses from those who might have been in the area on the night of the shooting, but again to no avail. Three suspects were identified, one

of whom was eliminated as a suspect during the police investigation. However, there was insufficient evidence to charge and prosecute anyone in connection with the shooting. Mr Michael Smith was a Properly Interested Person in this inquest but declined to give oral evidence.

[16] As part of the investigation, police looked at a number of possible motives for someone wanting to shoot and kill the deceased. The police investigation prioritised the 2010 incident as a possible motive, although other possible motives were not ruled out.

[17] A post-mortem was performed by Dr James Lyness, who at that time was the Assistant State Pathologist for Northern Ireland, now the State Pathologist. He was of the opinion that the deceased sustained two gunshot wounds to the back both fired at close range and which would have led to a rapid death. There was a lot of support for his view that the shooting was at close range in the evidence from the witnesses present at the scene and from Mr Greer, the ballistics expert from FSNI, who examined the items recovered from the deceased during the post-mortem examination.

[18] The post-mortem records and I find that death was due to:

I(a) Shotgun Wounds of Chest and Abdomen.