

Neutral Citation No: [2020] NICC 9 <i>Judgment: approved by the Court for handing down (subject to editorial corrections)*</i>	<i>Ref: Delivered: 15/4/2020</i>
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**IN THE CROWN COURT OF NORTHERN IRELAND
SITTING IN BELFAST**

20/019105

R

-v-

PAUL ROBERT BEGGS

His Honour Judge McFarland, Recorder of Belfast

- [1] Beggs was born on the 28th December 1990 and is now aged 29.
- [2] He was committed for trial to Antrim Crown Court on counts of affray, possession of an offensive weapon and criminal damage. He has been arraigned today and has pleaded guilty to all three counts. He has requested that I deal with the sentencing today and does not wish the court to order a pre-sentence report.
- [3] There is a co-defendant and his arraignment stands adjourned.
- [4] On the 7th October 2019 three seventeen year olds had just left an ice cream parlour on Main Street in Larne. They observed a number of males being pursued by Beggs and another man alleged to be the co-accused. Both were carrying hatchets. At the time the young people got into two separate vehicles and the defendant and the other man approached the vehicles. Beggs approached the first vehicle lent into the vehicle and demanded the young person's details, but as he did so the second man struck the windscreen of this vehicle with a hatchet. As the vehicle was driven away it was struck at least two more times by both men. Damage to this car was originally estimated at £600, but no further details are available.
- [5] Beggs then approached the second vehicle which contained two young females, and without provocation struck the windscreen of this vehicle with the hatchet he was carrying. As this car was being driven away the defendant then struck the driver's side window, causing it to shatter, causing a minor injury to the driver. The cost of this damage was £435.54.

[6] Police were able to identify Beggs through descriptions given by the victims and from viewing CCTV images of the area. He was later arrested at the home of the co-accused.

[7] On arrest, Beggs made unsolicited admissions of guilt, and later during formal interview he stated that he had been drinking and taking drugs all day, had been attacked by masked men and had taken a hatchet and chased those men. He then attacked the cars as he believed they were connected to the men. Beggs admitted that he had caused the damage.

[8] Statements have been received from the two female victims, and both have suffered as a result of the incident, including flash backs and sleep disturbance. This must have been an extremely frightening experience for each of the teenagers.

[9] Beggs has 86 previous convictions - 32 road traffic offences, 16 dishonesty type offences, 8 drugs offences and 6 public order offences. He has no convictions for affray or serious violence. A two month sentence, suspended for 12 months, was imposed for possession of a Class C drug on the 4th September 2019, just over a month before this incident. This sentence will not be implemented.

[10] I do not consider Beggs to be dangerous taking into account this incident and his record.

[11] The aggravating factors are his active role including the use of a weapon to inflict damage to both vehicles; the fact that he was under the influence of alcohol and drugs at the time, the vulnerability of the victims given their age and the actual impact that the offences had on two of the victims; and his criminal record.

[12] The mitigating factors are that this was a short lived incident and the pleas of guilty entered at the first opportunity after full and frank admissions to the police.

[13] There are no guideline decisions in Northern Ireland for the offence of affray, which carries a maximum of life imprisonment.

[14] The total sentence the defendant will serve is one of 12 months. This is calculated as follows -

- The concurrent sentence for the three offences committed on 7th October 2019, had the matter gone to trial, would have been one of 20 months;
- Taking into account his co-operation with the police and his plea of guilty this will be reduced by 8 months to 12 months. This reduction is over and above the usual 1/3rd reduction for a plea of guilty, and takes into account the assistance provided by the defendant in making a positive request to have his case listed for the purposes of a guilty plea and early sentence during the current medical emergency. In the current circumstances this

- evidences additional remorse on his part and a willingness on his part to co-operate with the authorities;
- The total sentence to serve will be one of 12 months, 50% custodial term and 50% on licence.

[15] I have taken into account the principle of totality bearing in mind that he has served a sentence of four months for a number of driving and drugs matters, including dangerous driving, in early 2020, and having been in custody since October 2019 will not receive any credit towards this sentence for that period.

[16] In the absence of a pre-sentence report, I make no recommendations to the Department of Justice concerning terms of the licence.

[17] The court dealing with the trial of the co-accused can deal with any destruction order.

[18] There will be no compensation order as Beggs is not in a position to pay such an order.

[19] There will be an offender levy of £25.00.