

# Judicial Communications Office

Thursday 13 December 2012

## MAN SENTENCED FOR MANSLAUGHTER ON GROUNDS OF DIMINISHED RESPONSIBILITY

### Summary of Judgment

Mr Justice Burgess, sitting today in the Crown Court in Antrim, sentenced John Charles Coburn for the manslaughter of his mother, Lynn Coburn on 3 April 2011.

The offence occurred when the defendant visited his mother's home to celebrate Mother's Day. The court heard that the defendant and his mother has been chatting seemingly on friendly terms, when screams were heard and the defendant was found attacking his mother with a knife. The defendant also attacked his brother who left the property to seek help. The police arrested the defendant at the scene.

Mr Justice Burgess said that the injuries suffered by Mrs Coburn were horrific, with her death being attributed to decapitation and multiple stab wounds to the head, chest and neck.

The court heard that the defendant had a history of mental illness, and had been diagnosed as suffering from paranoid schizophrenia a number of years before the offence had occurred. Prior to the offence, Mr Coburn was under the medical supervision in the community and had been prescribed medication, but it was reported that he had engaged poorly with psychiatric services, and that he had admitted he adjusted his medication on his own initiative. It was noted that the defendant had abused alcohol and drugs in the past and may have engaged in illicit drug taking in the days prior to the offence.

Mr Justice Burgess noted that medical report prepared for the prosecution considered that Mr Coburn had been suffering from paranoid schizophrenia at the time of his offence and that the medical reports prepared for both the prosecution and defence had recommended inpatient treatment in a secure hospital setting.

Turning to sentencing, the Judge noted that the court was obliged by Article 13(1) of the Criminal Justice (Northern Ireland) Order 2008 to consider whether the defendant represented a significant risk of harm to others in the future and thereafter to consider whether a life sentence was appropriate.

The Judge said that the pre-sentence report had concluded that the defendant did meet the serious harm criteria and that there was a high likelihood of reoffending. The relevant factors taken into account were the confirmed diagnosis of schizophrenia; the violent and prolonged attack on his mother; the unpredictability of his behaviour; the history of non-compliance with medication and outpatient appointments; the lack of insight into his mental illness; that he remains on a high dosage of medication; unresolved issues regarding the loss of his mother; and

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reports that he still hears his mother talking to him through the television which would evidence hallucinations. The Judge noted that the medical reports indicated that there was a long way to go before a proper assessment of Mr Coburn's medical condition and treatment could be made. The Judge said that, in those circumstances, he was satisfied that the criteria of Article 13(1) had been met and the defendant did pose a significant risk of harm to members of the public.

Mr Justice Burgess said that, notwithstanding a dangerousness determination, a life sentence must be reserved for cases where there would be a likelihood of further offending of a grave character. He said that in the absence of an assessment of the defendant's medical condition, and the treatment which might be available, he could not conclude that it was likely Mr Coburn would commit violent offences in the future. Mr Justice Burgess noted that, despite having suffered from his condition for many years, Mr Coburn had no previous record of violence. He said that he was not, therefore, satisfied that the imposition of a discretionary life sentence was required. The Judge said that he had, however, concluded that an indeterminate custodial sentence should be imposed to ensure that the public was protected.

The Judge explained that an indeterminate sentence is a recently introduced and often misunderstood sentence. He said that it is a custodial sentence for an indeterminate period, and was, to all intents and purposes, the equivalent to a life sentence because release after the minimum term of imprisonment had been served was subject to a Parole Commissioners determination that it was safe to do so.

Mr Justice Burgess said that in determining the minimum period which must be served before Mr Coburn could be considered for release he had reviewed a number of aggravating and mitigating factors including:

- the defendant's use of a knife as a weapon;
- that the defendant's conduct was unprovoked but that it did not evidence a history of violence or a course of violent conduct on that particular day;
- the defendant's background and his history of not engaging with the community health authorities and experimenting and tampering with his medication;
- the defendant's plea of guilty at the first opportunity when the prosecution indicated their acceptance to the plea of manslaughter by reason of diminished responsibility; and
- the defendant's lack of any criminal record.

Taking those factors into account, the Judge imposed an indeterminate sentence with a minimum term in custody of 5 years. After that period, Mr Coburn's release back into the community will be a matter for the determination of the Parole Commissioners. The Judge said Mr Coburn may never be released but should the Parole Commissioners consider release to be appropriate, he will remain under licence for the remainder of the indeterminate sentence.

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## 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](http://www.courtsni.gov.uk)).

ENDS

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