

**PROBATION BOARD FOR NORTHERN IRELAND
PRE SENTENCE REPORT**

COURT TYPE:

Crown

COURT DATE:

DTBF

COURT LOCATION:

**Craigavon
Bill no 69/01**

NAME:

James Michael McKee

ADDRESS:

[REDACTED]

DATE OF BIRTH:

[REDACTED]

AGE: 48 years

OFFENCE

Intending to pervert the course of public justice 09.10.1997

BASIS FOR REPORT

REPORT REQUESTED BY:

This matter was adjourned to enable the preparation of pre sentence reports.

SOURCES OF INFORMATION:

**Interviews with the defendant;
Interview with the defendant's partner;
Access to depositions;
Access to criminal record.**

NUMBER AND LOCATION OF INTERVIEWS:

Two office based interviews; one home visit.

AUTHOR:

[REDACTED]

OFFICE ADDRESS:

[REDACTED]

CONTACT NUMBER:

[REDACTED]

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DEFENDANT IN HIS/HER LIFE SETTING

James Michael McKee is a forty eight year old man who resides with his partner and her three children aged twelve, eight and four years, on the outskirts of Tandragee in privately rented accommodation. Mr McKee has been co-habiting with his partner for approximately three years. He states his relationship is very close and stable and the couple are intending to marry later this year. His partner informs me that she remains supportive of Mr McKee and feels she has been a positive influence on his behaviour.

Mr McKee was born in Larne and resided there with his parents and two siblings until the age of six years. His father was a member of the Royal Navy, therefore the family moved around the UK for the majority of his childhood years. The family settled in [REDACTED] when he was approximately fourteen years old. Mr McKee recounts a happy and stable family background. He attended various primary and secondary schools due to moving around but completed his secondary education at Newry High School. He left at approximately fifteen years old without any formal qualifications.

On leaving secondary education Mr McKee joined the Royal Navy serving six years around Europe and Africa. He married in 1972 and settled in Wales. He had three children. He separated from his wife in 1988 as he claims they 'drifted apart'. He has no contact with his children. During this time he worked in various types of employment but mainly was interested in martial arts. He met his new partner shortly after this time in Wales and the couple moved to Northern Ireland in 1989 after the death of his mother in order to support his father. He married in 1994 and opened his own martial arts business in Portadown. Mr McKee states he was very determined to make a success of his business. However, his relationship began to deteriorate and he began drinking excessively. He eventually separated from his wife in 1998 and the business was transferred. Mr McKee states that the debts rising from his business was approximately £39,000 which he continues to repay on a monthly basis.

Mr McKee admits that he was abusing alcohol during his marriage difficulties and to the point where he was consuming large quantities of alcohol on a daily basis. It appears this was a means of escapism but severely affected his level of self control and responsibility. His alcohol abuse destroyed the remainder of his marriage and business and after his separation he states he was left with nothing, only the clothes he was wearing.

Mr McKee reduced his drinking two years ago and states he gradually reduced his alcohol intake with the strong support of his new partner. Mr McKee states he drinks occasionally but this appears to be in moderation. His partner confirms this information and states that Mr McKee has made substantial progress and alcohol no longer presents as a problem in his life.

Mr McKee and his partner currently operate several martial arts clubs across Northern Ireland and Mr McKee has recently received an award for his involvement with these clubs as they are used by all members of the community. They have a joint income of £300 per week and pay £400 monthly rent. Mr McKee continues to pay his debts on a monthly basis but claims they manage on their current income.

OFFENDER AND CURRENT OFFENCE

Mr McKee appears today for an offence of intending to pervert the course of public justice. This occurred on 09.10.1997. According to statements this involved Mr McKee and his wife, his co-accused, making false statements to the police regarding a phone call that was made on 27.04.1997.

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Mr McKee was asked by his friend, who was a police officer, to make a statement to the police stating he made a phone call from the police officer's home when in fact, he did not. Mr McKee states he did not realise there was a link between this phone call and the death of Robert Hamill. Mr McKee explained that during this time he was regularly abusing alcohol and although fully admits to this charge he claims he was very vulnerable at this time and made a terrible error of judgement. Mr McKee claims at this time he did not realise the seriousness of his actions nor realise that this incident concerned the death of a young man. Mr McKee states he thought he was helping a friend but did not realise the consequences of such an action.

Mr McKee clearly appears to have thought about his behaviour and how his actions have affected others. He does not attempt to deny this offence nor does he try to minimise or excuse his behaviour. Mr McKee displays an appropriate level of insight into his offending behaviour and has identified the impact his actions have had on not only his family but the family of Robert Hamill. It appears that alcohol has drastically affected Mr McKee's ability to operate at a responsible level and coupled with the influence of others at a vulnerable time in his life, has brought him before the courts today. Mr McKee appears genuinely remorseful for his actions and has taken steps to avoid further offending such as moving from this area, disassociating with his previous friends and limiting his level of alcohol use. Mr McKee is aware of the seriousness of his actions and that the court may be considering a custodial sentence. He is greatly concerned about this prospect due to the impact it would have on his family life, employment and home. His partner states she feels their family would have great difficulty emotionally and financially coping if Mr McKee is imprisoned.

PREVIOUS OFFENDING

Mr McKee has appeared before the courts on four previous occasions. His first conviction was in 1973 for causing actual bodily harm and wounding. Mr McKee states these offences occurred during his career in the Royal Navy. He claims this incident occurred whilst he was out with his colleagues. He admits he was heavily intoxicated and a fight broke out outside a public bar. A suspended sentence was imposed at Winchester Crown Court. The following entry in his criminal record for deception and theft offences relates to Mr McKee using a stolen cheque to obtain goods. He relates this to immaturity. A financial penalty was imposed. The following two entries are motoring matters in 1981 and 1992 for which financial penalties and a period of driving disqualification were imposed. The majority of his previous offences occurred during his younger years in England and Wales. His last conviction was in 1992. He has no previous convictions of a similar nature the current offence which appears to suggest that his behaviour in this current offence is somewhat out of character.

CONCLUSION

James Michael McKee is a forty-eight year old man who appears to have experienced a stable family background. His current relationship has proved to have a positive and stabilising effect on his lifestyle and he is currently in full time employment. However, Mr McKee has experienced alcohol abuse and several failed relationships which have emotionally affected his abilities and resulted in vulnerability at the time of this current offence.


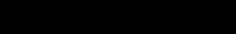
Mr McKee appears genuinely remorseful for his behaviour and has clearly thought about his actions and the effect they have had on his own family and that of Robert Hamill's family. However, his behaviour at that time appears to be directly linked to his alcohol abuse and influence from others. He was not operating any self control or any acceptable level of responsibility but appears to have realised

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that seriousness of his behaviour and the reality that the Court may be considering a custodial sentence. A period of custody would have a negative effect on his family, employment and home.

Mr McKee has four previous convictions which date back to 1973. These appear to be linked to immaturity and peer influence. These convictions were dealt with by means of a suspended sentence, financial penalties and a driving disqualification. Mr McKee appears to have complied with all court instructions.

Due to the stabilising factors in his lifestyle at present such as employment, supportive relationships and his ability to display appropriate insight into his offending behaviour and victim awareness, I feel a period of probation supervision would not be appropriate. However, Mr McKee is assessed as suitable for community service. He is aware of the demanding nature of such an order and breach proceedings. A community service order would enable Mr McKee to provide reparation to the community and act as a deterrent to further offending behaviour. If this is the decision of the court, a community service placement will be available.



Probation Officer

28.03.02