

## **FISHER AND WRIGHT: LINES TO TAKE**

### Decision

It has been announced that the cases of Fisher and Wright will be considered by the Northern Ireland Life Sentence Review Board in October 1997.

The role of the Life Sentence Review Board is to advise Ministers on the release of life sentence prisoners. A review by the Board does not imply that a decision will be taken to release the Guardsmen.

These cases have been considered by the Secretary of State following an extensive further review of cases which was undertaken after an earlier decision had been quashed as a result of a judicial review. The further review has been undertaken in accordance with the terms of the decision in the judicial review. It has taken into account the various court judgments in the case and possible precedents in Northern Ireland and Great Britain.

### **If criticised that the review is too late**

- The Guardsmen committed a serious offence which resulted in a life being lost. They must be expected to serve a period of time in prison which marks the gravity of the offence.

### **If criticised that the review is too early**

- The LSRB must see cases at a sufficiently early point to ensure that its own discretion and that of the Secretary of State is not limited;
- There are significant mitigating factors in this case which suggest that a first review at the normal 10-year stage would be wholly inappropriate. These mitigating circumstances include the difficult circumstances in which the soldiers were operating and the fact that there was no premeditation;



- Consideration by the LSRB of a case is not a guarantee that release will be recommended at that time.

### Transfer

- It would be open to the Guardsmen to apply for transfer to Great Britain. A request would be looked at sympathetically.

## **BACKGROUND**

### Facts of the Case

Fisher and Wright were jointly convicted of the murder of a youth, Peter Paul McBride, during an incident which occurred when they were serving soldiers on active duty in Northern Ireland. McBride, who had been stopped and was being questioned by the Sergeant of Fisher and Wright's Army patrol, broke away from the Sergeant after a verbal or physical encounter. The Sergeant shouted 'Grab him' and Fisher and Wright gave chase. The chase continued over walls and gardens over the length of three streets with the distance between McBride and the soldiers ever increasing. During this time McBride was called upon to halt but when he failed to stop both soldiers opened fire and he was fatally wounded by gunshots to his back fired by either Fisher or Wright or both.

In delivering the judgment of the Court of Appeal the Lord Chief Justice of Northern Ireland, Sir Brian Hutton, stated that, on the objective facts of the case the soldiers had no lawful justification for firing at the deceased. Following the dismissal of the appeal Fisher and Wright applied for leave to appeal to the House of Lords but the application was rejected.

At the end of 1996 a judicial review of these cases quashed the decision taken in June 1996 that they should be referred to the Life Sentence Review Board in late 1998, ie at the 6 year stage of custody. The cases have therefore been considered afresh, in line with the terms of the judgment delivered by Mr Justice Girvan on 20 December 1996.

#### Life Sentence Review Board

The power to release life sentence prisoners rests with the Secretary of State after consultation with the Lord Chief Justice for Northern Ireland and the trial judge if available.

He is advised in the exercise of his functions by the Life Sentence Review Board, a body comprised mainly of senior officials and which has access to professional advice.

In formulating its advice the Life Sentence Review Board takes into account all the factors in a case, including the nature of the offence, the comments of judges in passing sentence, the possibility of further offending and any mitigating factors.