

**BAILIFF:** The verdict of the Jury in this case means that the Jury must have found that Carrel, in a fight situation, had taken out his knife and, without any justification, was pointing it - this knife, with a blade 8½" long - was pointing it rigidly towards the victim, and that the victim, somehow, fell or was pushed onto the point of the knife. Now, the Jury must also have found that the knife was taken out by Carrel to frighten the victim, but without any justification whatsoever. The circumstances as described by Carrel himself show that he first took the knife out when he saw McAnespie running towards him and the other members of his group. That taking out of the knife was, as the Jury must have found, completely unjustified, because there was no reason whatsoever for Carrel to think - and he has not suggested that he did think - that either McAnespie or Quinn was armed with any weapon. When the apprehended attack by McAnespie, if that is what Carrel thought it was, and he says he did think it was, did not materialise, because McAnespie ran past him, he nevertheless kept the knife out - again, completely unjustified - because, he told the Jury, he apprehended that another man, in fact, the victim, Quinn, would also attack. Quinn we have to accept, did attack, but in fact went towards Garnier, so that one had a two to one situation; but nevertheless, Carrel kept his knife out. And, it was in that fight situation that, as the Jury must have accepted, Quinn went onto the knife.

By keeping the knife out although he was not being directly attacked; by keeping the knife out, by pointing it, as he must have done, rigidly towards Quinn - this knife of 8½" long - Carrel was doing both an unlawful and an extremely dangerous act. We believe that he should have realised, he must have realised, even though he did not intend that harm should be caused, he must have realised that what he was doing was extremely dangerous.

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We are entitled also to look at the general circumstances that evening, because Carrel told us that he was carrying the knife because he had, in effect, invited a confrontation with a gang whom he wished to see so as to, to us a colloquial phrase, "get them off his back"; so he was carrying the knife that evening, not, we must accept, intending to stab anybody, but, it appears to this Court, in order that by brandishing the knife he could thereby dominate any situation which might arise and win the day in any confrontation. Sooner or later that conduct, and it was that sort of conduct which led to the death of Quinn, sooner or later that sort of conduct was almost bound to lead to serious injury or death. And of course, in the case of Quinn, in about two minutes of Carrel and his three friends meeting Quinn - complete strangers to them it was within about two minutes of Carrel and his friends meeting Quinn that Quinn was fatally wounded.

Carrel's previous convictions show that he is a man who in the past has been disposed to violence. There are four convictions involving violence, and on the last of those occasions, in 1981, he was actually holding a chopper. Whether or not he actually intended to use it on the police constable, the fact remains that he was convicted of an assault in circumstances where he was holding a chopper. This Court must, by its sentence, show that it will not tolerate the carrying and use of knives to frighten - the use of knives to dominate a fight situation - because such conduct is extremely dangerous, and is likely to lead, as it did on this occasion, to serious injury or death - The Court must, by its sentence, show that it will not tolerate that.

The Court has carefully looked at all the various cases, none of which is entirely in point, and having looked at all the circumstances in the light of the reasons I have just given it considers that the proper sentence is one of 7 years' imprisonment.