

Neutral Citation No: [2021] NICoroner 11

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*Judgment: approved by the Court for handing down
(subject to editorial corrections)**

Delivered: 30/09/2021

Inquest Touching Upon the death of Mark Gourley

His Honour Judge McGurgan

- (1) The deceased Mark Gourley born on 16 October 1972, of 35B Carnhill Walk, Carrickfergus BT38 7RG died on a date unknown between 7 March 2009 and 10 March 2009. His place of death remains unknown.
- (2) Mr Desmond Fahy QC with Mr Philp Henry BL appeared on behalf of the next-of-kin ('NOK'); Mr Mark Robinson QC with Mr John Rafferty BL appeared on behalf of the PSNI; Mr Ian Skelt QC with Ms Denise Kiley BL appeared on behalf of the Coroner. I am indebted to counsel and their respective instructing solicitors for the collaborative approach adopted which ensured that the Inquest proceeded on the dates allocated.

Background:

- (3) The deceased's body has never been recovered in this matter. With one exception the absence of a body remains an absolute bar to the holding of an Inquest. That one exception to the general rule is found at section 16 of the Coroners Act (Northern Ireland) 1959 which states:

"Where a coroner is satisfied that the death of any person has occurred within the district for which he is appointed but, either from the nature of the event causing the death or for some other reason, neither the body nor

any part thereof can be found or recovered, he may proceed to hold an inquest."

- (4) I previously conducted a preliminary hearing on this point and after hearing and considering all of the evidence then presented I found that I was [and continue to be] "satisfied" that Mark Gourley is deceased.
- (5) At the outset of the Inquest I directed that a number of individuals be allocated ciphers, namely letters of the alphabet and this is how they are referred to in these findings.
- (6) Detective Superintendent Jason Murphy gave evidence to the Inquest. At my request and with the agreement of all of the legal representatives he provided an overarching statement dealing with the police investigation into this death.
- (7) I found this approach most helpful and it is an approach that Coroners should consider adopting where the circumstances allow.
- (8) I will return to his evidence in due course.
- (9) I also considered a large number of statements admitted under Rule 17 in addition to sensitive and non-sensitive disclosure material.
- (10) It is not possible to recite all of the evidence in these findings although all of the evidence received by me has been considered before arriving at these findings.

Evidence

- (11) In her statement admitted under Rule 17, Mrs Beryl Gourley, mother of the deceased and now deceased herself, stated that the deceased was at her house on Friday 6 March 2009. The deceased's family had been put out of their home in Carrickfergus in November 2008 and were moving house again in the week leading up to the deceased's disappearance.

- (12) On 6 March 2009 the deceased's girlfriend, Stephanie McMaw, collected the deceased from his parents' then address and took him back to her house.
- (13) On Saturday 7 March 2009 at around 10-11am the deceased returned to his parents' then address by taxi. The deceased then played snooker with a family member in the living room. Mrs Gourley explained that the deceased suffered from schizophrenia and was on medication for same. He also had a history of self-harm with a number of suicide attempts. According to Mrs Gourley, the deceased initially was talking nonsense but then he proceeded to talk normally. At about 2pm he left the property. He did not take his medication with him.
- (14) I will return to the time of 2pm in due course.
- (15) Later that day Mrs Gourley was out walking with her grandson whenever the deceased's hat which he had been wearing on leaving the house earlier was found lying in the street.
- (16) The following day Mrs Gourley realised that the deceased had left his mobile phone and his post office card at her property. The post office card was his only means of obtaining money. That same day Stephanie returned the deceased's keys to Mrs Gourley's property. He had left these with Stephanie on Friday 6 March.
- (17) In his statement admitted under Rule 17, Mr Samuel Gourley, the deceased's father and now also deceased himself, stated that on Saturday 7 March 2009, the deceased arrived at his then property around 11am by taxi. He had stayed at Stephanie's house the night before.
- (18) Mr Gourley stated that the deceased's mental health had been bad for the 4-5 days preceding his disappearance. Indeed he stated: "I would say his state of mind had never been so bad." He described how the deceased had mental health problems stretching back some 10-12 years and that he was hallucinating the previous Thursday. The deceased appeared to be trying to converse with his

Uncle Bobby whom Mr Gourley explained had been deceased for 2 years.

- (19) Mr Gourley then had a nap and was awoken around 4.30/5pm to be advised that the deceased had disappeared. Mr Gourley went outside to look for his son but could not find him.
- (20) Mr Gourley stated that the deceased owed a lot of people in Carrickfergus money and that he had associated with paramilitaries in the Castlemara estate.
- (21) In his statement to the Inquest admitted under Rule 17, Mr Samuel Gourley, brother of the deceased, stated that on Saturday 7 March 2009 he arrived at his parents' then address at around 2pm. The deceased was playing pool with his nephew and at around 4 or 5pm the deceased went outside the property in order to have a cigarette. This was the last time Mr Samuel Gourley saw the deceased.
- (22) The deceased's brother was of the opinion that the deceased did not leave the property at 2pm on 7 March 2009 as stated by his mother and I prefer this evidence.
- (23) Ms Stephanie McMaw made a number of statements which were admitted under Rule 17. She confirmed that she had been in a relationship with the deceased for 3 years. The deceased stayed with her the week he disappeared as his parents were in the middle of moving house. On 5 March she drove the deceased to Carrickfergus Health Centre where the deceased received a weekly injection to keep him calm. He was also provided with a sedative.
- (24) They both called with the deceased's parents that evening around 7pm. Ms McMaw described the deceased as hallucinating and talking to his Uncle Bob.
- (25) They left around 10pm and when they arrived back at Ms McMaw's property the deceased went straight to bed.
- (26) The deceased got up around 9am the following morning and appeared to be OK. Ms McMaw left for work around 1.15pm.

Later that day he texted Ms McMaw advising that he was at his parents' address. Ms McMaw collected him from there and returned to her property. He was still hallucinating. He was also showing signs of paranoia.

- (27) At around 4am on Saturday 7 March 2009 the deceased woke Ms McMaw stating that he was looking for his shoes. His socks were soaking wet and he kept saying that he couldn't find his shoes. At around 4.45am Ms McMaw again woke to a sound coming from downstairs. Ms McMaw found the deceased downstairs on his knees going through the yellow pages phone directory trying to get a phone number for the police. He stated that someone had stolen his phone. Ms McMaw saw the phone in the living room on a charger. She noticed that the deceased's socks and bottom of his jeans were wet. He wouldn't believe that the phone in the living room was his. Ms McMaw advised that he needed to consult with a doctor but the deceased said that he was alright. Ms McMaw stated that the deceased would have taken illegal drugs daily.
- (28) At 7.20am Ms McMaw spoke with the deceased who had slept on the settee. He stated that he was fine but looked confused whenever Ms McMaw explained that his parents did not live at that property. They both left the property together with the deceased walking off towards a friend's house and Ms McMaw driving off to her workplace. This was the last time Ms McMaw saw the deceased although she did speak with him later that day by phone.
- (29) Person A gave a statement and this was admitted under Rule 17. He stated that on Friday 6 March 2009 he went to bed around 10.30pm. His eldest daughter and two grandchildren were staying in his house that evening.
- (30) Around 12.30/1am he was awoken by rapping on his front door. He got up and shouted "who is it" but there was no reply. The grandchildren at this stage were upset by the banging on the door. Person A then went into his spare bedroom and on switching on the light discovered the deceased within the room looking down the side of the bed. Person A realised that it was the deceased who

was also known as "Judge". The deceased stated that he was looking for his shoes. A informed the deceased that he did not live at that property and he was asked to leave which he did via the front door. 10-15 minutes later A again heard banging. A then heard his next door neighbour, Person B, asking who was it and the reply "it's me Judge".

- (31) Person C gave a statement which was admitted under Rule 17. She stated that she lived in the Castlemara estate and was Person A's daughter. She explained that A (her father) called at around 11am with her on 7 March. A told her that, "that madman Mark Gourley" had been at his house and had kicked in his door demanding his shoes. Person C's boyfriend D was also present at this time.
- (32) D then went to Stephanie McMaw's house followed by C. Person D went to the house looking for the deceased but he was informed that neither Stephanie nor the deceased were in the property.
- (33) Person D provided a statement which was admitted under Rule 17. He stated that he had known the deceased for around 5 years and that the deceased was also known as Marcus.
- (34) He explained that he last saw the deceased around 9am on 7 March 2009 whenever the deceased was pacing up and down the path outside D's home. At around 11am Person A called and informed D and D's girlfriend, Person C, about the deceased being discovered in A's house earlier. D explained that he was cross about this incident and the fact the deceased hadn't apologised to A for it.
- (35) As a result D decided to go around to Stephanie McMaw's house to look for the deceased. He called at her house around 11am and Stephanie's sister answered the door and explained that the deceased was not in. Person D then told her that when he saw Marcus he was going to "kill him."
- (36) D explained that he did not mean this threat and that he would not have done anything to the deceased if he had been present at Stephanie's house.

- (37) Person B made a statement admitted under Rule 17. She stated that on Saturday 7 March 2009 between 1 and 2 am she was awoken from her sleep by banging on her front door. She heard a male voice shouting:
- “Stephanie, I’m going to kick in the door if you don’t get me my shoes.”
- (38) Person B recognised the deceased’s voice. She jumped out of bed and opened the window and asked the deceased what he wanted. The deceased replied “Stephanie give me my shoes”.
- (39) Person B told him she was not Stephanie and then she told him who she was. The deceased apologised to her and walked off. She described the deceased as appearing to be very confused.
- (40) In her statement, Ms Deborah McMaw stated that she was the sister of Stephanie McMaw the deceased’s partner. She stayed with her sister at weekends. On Saturday 7 March she arrived at her sister’s property sometime after midday. She noticed that the front door was slightly open and in entering the property she stated that no-one was at home and the property was in an untidy state which was unusual. Ms McMaw began to tidy up and around 2pm she opened the front door to a male who asked “is Judge here?” She eventually recalled that Judge was the deceased’s nick name and she informed this male that he was not at the property. According to Ms McMaw, this male proceeded to tell her that Judge had been in one of his family member’s homes and that he was going to get him for it. She described this man as being very aggressive and “in my face.” He then stated:
- “The next time you see Judge tell him I’m after him and I’m going to kill him.”
- (41) The male then left accompanied by a female. I find that these were Persons C & D.
- (42) Ms McMaw subsequently informed her sister of this incident when Stephanie returned to the property later that afternoon.

- (43) In his statement William David Easton (Easty) stated that he knew the deceased from aged 18 and he described the deceased as being his best friend. He knew him as Marcus but he confirmed that he was also known as Judge. They both had dogs which they walked together every day. According to Mr Easton, the deceased would have been in his house every day and he would have taken drugs daily. During the week it would have been cannabis and on a Friday and possibly Saturday nights, Ecstasy tablets.
- (44) Mr Easton stated that the deceased would sometimes disappear for 2-3 days at a time but when that would happen they would keep in phone contact.
- (45) Approximately 6 months prior to the deceased's disappearance, Mr Easton gave his dog away and so they stopped walking together. He could not recall the date on which he last saw the deceased but he remembered that it was a Friday evening. He explained that it was a Friday as the deceased had received his injection earlier from the nurse.
- (46) On this point, the evidence suggested that the deceased received his weekly injection each Thursday. However, there was a medical note entry dated 6 March 2009 which would correspond with Mr Easton's recollection. However, I find that nothing turns on this point and I find that the deceased had been in the company of Mr Easton on Friday 6 March.
- (47) According to Mr Easton the deceased arrived at his house in the Castlemara area around 9pm and let himself in through the back door. The deceased was not wearing any shoes and his white socks were soaking wet and dirty. The bottoms of his jeans were also wet. I find that Mr Easton's recall as regards the time to be clouded.
- (48) Mr Easton stated:
"It was obvious to me his head was away and he was high on drugs."

- (49) The deceased had a substantial number of Ecstasy tablets with him, approximately 50-60, although this was not unusual for the deceased. The deceased stayed for approximately an hour and a half and when asked about his shoes he got up and left via the back door. Mr Easton described the deceased as talking gibberish. This was the last time Mr Easton saw or heard from the deceased.
- (50) In his statement, Samuel Graham Murray stated that he had been friends with the deceased for over 30 years. They both walked their dogs in the same location. According to Mr Murray, the deceased had:
- “serious problems with drugs. It wasn’t one particular drug... I would describe him as running about all day on drugs.”
- (51) Mr Murray stated that prior to his disappearance, the deceased would borrow money from him for his drugs but would always pay him back at the end of each month. Mr Murray believed that the deceased owed him some £400-£500, prior to his disappearance. He also described the deceased as being very angry about his family being put out of the Castlemara Estate.
- (52) Mr Murray recalled that he last saw the deceased a few days prior to his disappearance around the Sainsbury’s area in Carrickfergus. He appeared to be on drugs.
- (53) In his statement admitted under Rule 17, Mr William Wade stated that around 12.30pm on 7 March as he was just getting out of the shower, the deceased called at his home. Mr Wade described the deceased as looking really rough, unshaven and dishevelled with bad shakes and appearing anxious. Mr Wade stated that this: “was the worst I’ve ever seen him.” Mr Wade explained that the deceased had a long history of drug taking, heavy drinking and bad mental problems.
- (54) The deceased informed Mr Wade that he had had a row with his girlfriend and that he also tried to kick a door in on the estate. The deceased stated that he wanted to go to his parents’ house and Mr Wade called a taxi.

- (55) Turning then to Detective Superintendent Murphy's evidence.
- (56) DSI Murphy stated that the police enquiry in this matter commenced on 7 March 2009 whenever the deceased was reported as a missing person by his mother. Initial enquiries were conducted by local police and the investigation was formally transferred to a Major Investigation Team (MIT) on 31 January 2012.
- (57) According to DSI Murphy, the deceased had been a member of the South East Antrim Ulster Defence Association (UDA) in the 1990's. Due to the deceased's mental health problems police believed that he would not have been considered an active UDA member at the time of his disappearance and for some time before.
- (58) DSI Murphy confirmed that the deceased was a long term drug user and that he was known to borrow money from local moneylenders in order to support his habit.
- (59) A review of his Post Office account showed that he withdrew his benefits on the day he received them, the last activity being 4 March 2009.
- (60) Despite 136 investigative actions being conducted and dozens of searches of premises and open areas no evidence developed to indicate what had happened to the deceased. In fact, there were some 35 searches conducted by police in the first month of the deceased's disappearance.
- (61) In September 2010 information police received suggested that the deceased had been murdered because he had been causing problems for the UDA. One report suggested that his body had been placed in water and weighted down. The suggested motive was a drugs debt.
- (62) In January 2012 further information received by police suggested that the deceased had been killed because of the incident where he had entered Person A's home.
- (63) Police enquiries also suggested that the deceased had confronted an individual the week prior to his disappearance. Information

received suggested that the deceased had kicked this person's door and made threats that he knew all about this individual's past. It was suggested that the UDA had become uncomfortable with the deceased's knowledge of UDA activities. In addition, rumours circulated about the deceased's alleged sexual interest in children and being a "child molester".

- (64) Police considered the following as potential motives for the death namely:
- (i) A confrontation with an individual the week prior to his disappearance;
 - (ii) An incident at Person A's home on 7 March when he was found in the spare bedroom;
 - (iii) A rumour that he had an unhealthy interest in children;
 - (iv) The UDA having become concerned that the deceased intended to expose their activities and or their members;
 - (v) A drugs or other financial debts to unknown persons.
- (65) A number of individuals were arrested and interviewed but to date no one has been charged in relation to the matter.
- (66) When questioned Detective Superintendent Murphy stated that the fall out with the individual the week before the deceased's disappearance coupled with the UDA's concerns regarding the deceased threatening to expose their activities were the more likely hypotheses although he obviously could not be completely sure. He did indicate that it was less likely that the deceased died either by his own act or by natural causes.
- (67) Detective Superintendent Murphy stated there were a number of sightings reported of the deceased in the days after he left his parent's house on 7 March 2009. There was one reported sighting on 19 March. Detective Superintendent Murphy confirmed that there were no means of independently verifying these and that it was not unreasonable to suggest that the deceased died within a few days of his initial disappearance.

- (68) I find that the reported sighting on 19 March 2009 was not the deceased.
- (69) I have already found that I am satisfied that Mark Gourley is deceased and therefore I was able to proceed to hold an Inquest into his death.
- (70) I find on the balance of probabilities that the deceased on the evening of 6 March and into 7 March 2009 was having a mental health crisis. He had confronted a named individual the week prior to his disappearance threatening to disclose information relating to the UDA. He was angry about his parents in particular being forced to leave their home. He entered Person A's home in the early hours of 7 March 2009. Bizarrely he stated that he was looking for his shoes which lends support to the view that he was having a mental health crisis. Within this property were a number of children and this may well have lent credence to the rumours regarding his sexual interest in children although I find that this particular aspect is completely without foundation. The evidence further suggests that the deceased had a severe drug addiction and regularly borrowed money to support same and it is therefore entirely possible that he also owed money to persons unknown.
- (71) I find that the deceased met his death on a date between 7 March and 10 March 2009 and that he was killed by members of a paramilitary organisation. Intelligence received by police suggests that he was abducted by members of a paramilitary organisation and beaten to death with his body then being taken out to sea on a boat and disposed of. There are several possible factors that could have led to him being killed, as explained by Detective Superintendent Murphy. On the evidence I cannot determine the actual reason or reasons. I am satisfied that he was killed within my coronial district but I cannot identify precisely where. I further find that his body has been disposed of at sea.