

# Irish Daily Mail

## COMMENT

### Some crimes MUST result in a jail term

THE worst moment in the life of Trinity College medical student Brian Murphy was, undoubtedly, the night he was glassed in the face in a Dublin nightclub. In that instant, his entire future was devastated (to use his own word).

Mr Murphy was blinded in the left eye. His injury is something he will have to endure every day for the rest of his life.

While contradictory evidence was given about events leading up to the assault, it is clear that Mr Murphy's attacker, Robert Jones, was not physically defending himself: he struck first – and he struck without warning.

Among the claims made on behalf of Jones to mitigate his sickening assault were the following: that he was feeling threatened by Mr Murphy; that he had a 'flight or fight' response; that he was of good character and had a good job; that he and his partner were expecting a child; that he had brought €8,000 to court; and that he was a 'soft soul' who would not be able to cope in prison.

None of that, however, should have mattered; Jones smashed a glass into another man's face without warning, blinding him. For that, he should have to serve a custodial sentence. It can only have added to Brian Murphy's trauma and distress when his attacker was spared a prison term.

Yesterday, the Court of Appeal recognised that this sentencing decision was plain wrong. It ruled that Jones should have been jailed for 18 months. Yet, extraordinarily, it then ruled that time had moved on, that Jones had a new job and that it would be 'unfair' to send him to prison now.

Brian Murphy, however, feels very differently. As he told this newspaper yesterday, he is shocked that Jones will not be imprisoned despite the clear fact that his original sentence was profoundly wrong.

Once again, the criminal justice system has failed. In the view of the public, it will be seen to have considered the interests of the criminal ahead of those of the victim. And in allowing someone who 'glasses' another person to go free without serving jail time, it has failed society as a whole.

As it happens, in Ennis Circuit Court yesterday, another violent thug who had glassed a victim in the face also walked free. In this instance, Ciara Killeen left her victim needing 23 stitches, and the reason given for sparing her a jail term was the fact that she had two children – whose father, gangster John Dundon, is already serving a life term for murder.

The simple message from both of these cases is that in the eyes of our criminal justice system, smashing a glass into someone's face is not a very serious crime. This is fundamentally immoral and wrong.

If you are worried that your children will be left alone while you are in prison, or that your job prospects will be impaired by you having spent time in custody, or if you fear you are a 'soft soul' who cannot handle jail, the answer is simple: do not assault other people.

In particular, everyone in the State should know that smashing a glass into another person's face is an act that will automatically earn you a prison sentence – regardless of your family background, your education, your new job or the money you bring into court.

Unless the system makes it clear that such horrific acts of violence will be properly punished, more people will suffer like Brian Murphy; and meanwhile, the people's trust in the criminal justice system will be still further eroded.

# I held my mother's photos in my hand. You will never get memories like these with a Facebook pic



PHILIP NOLAN

**A**S the photographs tumbled out of the bag on to the table, the memories tumbled out with them in a torrent. My sisters, my brother and I are in the final stages of clearing out the last of my late mother's things, and this drawstring bag, from JD Sports of all places, didn't promise much. At the top were recipes cut out from the Daily Mail, lots of pages from the Good Health section, and quite a few clippings of pieces I wrote here myself, which made me smile.

But underneath, there was a collection of old photos, many of which I hadn't seen for maybe 30 years, and some I have no recollection of ever seeing at all.

There we were, me and my siblings, all in our pyjamas on a bed in the flat in Clarinda Park in Dún Laoghaire, in front of the shrine we kept for Leeds United – magazine pullouts of Billy Bremner and Allan 'Sniffer' Clarke, and a fixtures wall-chart for what was the First Division back then, then being around 1971, I guess.

### Gems

Then there were photos actually taken in Leeds, where we went every year for our holidays and where we spent much of our time hanging around training sessions at Elland Road trying to catch the players for their autographs.

There's a photo of us with John Giles, another with Joe Jordan, and even one with Norman 'Bites Yer Legs' Hunter, a player with a formidable record for physicality on the pitch but a gentleman off it.

As I went through the pile, I discovered other gems, including what I think is the first photograph ever taken of me.

My mother and older sister and brother are in it, and I'm just a baby in a blanket in the arms of my Auntie Dee. She was actually my dad's aunt, but she never married and she lived with us when I was a child.

I marvelled when I thought that this image effectively straddled three different centuries, as Dee was born in the 19th, the rest of us in the 20th, and here we are now, 17 years into the 21st.

Then there's me on the day of my First Communion, clutching a prayer book and wearing a brown suit with short pants (the day you were deemed old enough to wear long trousers used to be a rite of passage – in my case, I was around seven – though today's boys would laugh at the very notion), a red tie, brown shoes with

beige knee socks, and a white rosette pinned to my lapel. I look very pleased with myself, as well I might after Hoovering up a lot of ten-bob notes.

There was a photo of me working the red carpet at the Oscars in 1992, wearing full black tie and, hilariously, another photo of me in black tie and not much else. On the day of my wedding, the suit hire company sent the right sizes for best man, the groomsmen and my dad, but the wrong one for me.

In my parents' living room, we all pulled off our trousers and passed them to each other to see if we could muddle through, but the others all were taller than me, so that didn't work.

I rang the company and they put an employee in a taxi from Dublin city centre to Killiney.

He arrived with minutes to spare, but in the meantime, my sister took a photo of dad and the lads all looking at their watches while I stand in the middle in just a shirt, waistcoat, bow tie and boxer shorts. I had completely forgotten all about it until the photo jogged the memory.

### Laughter

And, maybe most specially of all, I came across a photo of Dad and me at Mont Saint Michel in Normandy, on a trip we took in 1994. I say special because actually there are very few photos just of the two of us – we always seem to have been photographed with other family members, if he was even in the pictures at all. Mostly, he's not, because he was the person who took most of them.

So, happening upon that made me happier than I ever could have imagined, as did the whole collection. There are times, I'm sure, that I would have been in a different mood and they would have made me sad, but not this time.

Every new image I happened upon just made me smile, or even laugh out loud – like the photo of my nephew, who I took

to the US for his 21st birthday last year, playing on the beach with a bucket and spade when he was little more than a baby; my brother's three children playing together, including his daughter, who now has two little girls of her own; and another lovely photo of my dad and sister Joyce, in a snowy Central Park in Manhattan, that I took on our last trip together before his sudden death in 1998 at just 68.

And what they all reminded me of was the power of photographs to capture a moment, and how much better that moment feels when it's nestled in the palm of your hand as once it nestled in the palm of their hands.

That physically tangible connection is not something you can recreate with a smartphone, a tablet or a laptop.

### Gesture

My mother was always on at us to get actual prints of photos, but we never really bothered.

At one stage, I suggested one of those electronic frames you load photos on and that refresh the pictures every minute or so, but I knew by the look on her face that that wouldn't do, because what she really wanted to do was show the photos to her friends. I regret now not fulfilling what was a very simple request.

So, going through all the photos she held on to made me resolve to remedy a great wrong.

We take more photos now than ever before, and today's children will have every minute of their lives documented in a way no previous generation could have contemplated.

But after we take them, we keep them locked away, electronically, in our pockets, where no-one ever sees them unless we put them on Facebook or Snapchat or Instagram.

So, yes, I am going to reignite the oldest thrill of all, the thrill of the day you went to the chemist's and he said, 'Yes, your photos are back from the lab,' and the whole family sat down and smiled and laughed as they remembered the happy occasions depicted.

(Film and processing were so expensive that all the photos really are of happy occasions – birthdays, religious ceremonies, holidays, and picnics in, literally, our salad days).

I lingered over them all for an hour, seeing ghosts of the living as well as of the dead.

What was going on in that little boy's head, I wondered. And I really should know, because I'm the older him.

And that's what it's all about. Touch an actual photo and you touch the past – and, as if to reward the gesture, the past touches you too. Deeply.