

R

-V-

(1) BRUSTHOM ZIAMANI

(2) BAZ MACAULAY HOCKTON

## SENTENCING REMARKS

The defendants may stay seated throughout.

Brusthom Ziamani and Baz Hockton were convicted yesterday of attempted murder. On 9 January 2020 they attacked a prison officer at HMP Whitemoor intending to kill him. The prosecution case was that this was a terrorist attack inspired by their adherence to extremist Islamic ideology. The defence of each man at trial was that they wanted to leave Whitemoor and knew that if they inflicted enough injury on a member of staff they would be removed from there to another prison. By their unanimous decision the jury rejected that explanation.

The officer, Neil Trundle, was attacked in an area of A wing known as the Centre 1s. That is where medical staff have a dispensary from which they issue drugs to prisoners who need them. Prisoners are let out of their residential spur each morning in order to attend and get their medication. Only two prison officers are on duty in Centre 1s at this time: one is there to lock and unlock doors to the spurs to let prisoners in and out, the other is present to supervise behaviour at the dispensary. Two nurses are present in the dispensary itself. On 9 Jan this year Officer Georgina Ibbotson was on duty letting prisoners into Centre 1s from their spurs, Officer Neil Trundle was supervising at the dispensary and Nurse Jayne Cowell was one of the nurses on duty.

As well as the dispensary Centre 1s also has a storecupboard the size of a small room. It is used to store tissues, toilet rolls, plastic cutlery and other items for prisoners' use.

The two defendants attended at Centre 1s seeking medication and there they loitered. CCTV shows the two of them letting others past in the queue until they were the only prisoners left in Centre 1s. Having asked Officer Ibbotson for a spoon from the store cupboard and being met with a refusal Ziamani turned to Officer Trundle and asked him. He agreed and can be seen on the CCTV walking to the cupboard door with both prisoners following closely behind. Just as he unlocked the door and was starting to push it open the attack commenced. I am quite certain that the plan was to push him into that storeroom if possible but he was a big man and in the event he fell to the floor in a corner

of Centre 1s outside. Both defendants can be seen raining blows down on him for some 24 seconds or so until staff arrive. The first to confront them were Officer Ibbotson and Nurse Cowell. Ziamani can be seen charging at the two women and punching first Georgina Ibbotson and then Nurse Cowell in the face before running at full tilt back to Officer Trundle and continuing the attack. Hockton, meanwhile, had been confronted and tackled by two male officers who had run in from the spurs and he was restrained. Shortly after more officers came and tackled Ziamani and the attack on Officer Trundle finally ceased. In the event the violence against him was short-lived but it was strikingly and shockingly ferocious whilst it continued.

When first confronted by officers Ziamani opened his jacket to reveal what he was wearing underneath: a belt fashioned from underpants elastic, socks, plastic bottles and wires made to look like a suicide belt. Hockton, when searched later, was found to be wearing one very similar. Weapons found on the men and at the scene showed that they had 5 between them when they attacked Mr Trundle: Hockton was carrying an exceptionally nasty bladed article made from a plastic handle into which had been heat-welded two razor blades – he can be seen using this to slash at Mr Trundle’s face and neck. Ziamani had 4 weapons on him in all, two spiking/stabbing weapons 8-10inches long fashioned from straight bits of metal with material, laces, elastic bands wound round for handles (these were later found in his pockets) and two further smaller weapons with flat pieces of metal folded over and covered with material in such a way as to leave a sharp metal edge exposed. Both of these latter weapons had Officer Trundle’s blood on them, as did two razor blades found on the floor.

In addition to the CCTV the court was played footage recorded on Officer Trundle’s body worn camera. The recording function was inadvertently started in the force of the attack. This footage records not only a view of the attack from the ground where Mr Trundle was but also (unlike the CCTV) it recorded the sound. There can be heard loud shouts of Allahu Akhbar coming from the defendants as they slash and hit at the officer on the ground.

When finally restrained and searched at the scene in Centre 1s Ziamani indicated to a pocket in his clothing from where officers took out a 2-page piece of writing described by the expert as a suicide letter written by an ISIS member killed in 2019. It contains adjurations to fight and kill kuffar and to die as a martyr fighting for Allah together with other extremist Islamic ideas.

Later, when their cells were searched, a body of Islamic writings in Ziamani’s hand were found in Hockton’s cell. These writings too contained what the expert identified as extremist material.

It is quite plain to me, having presided over the trial and having seen and considered all the evidence, that the defendants must have been planning this attack for some time,

preparing fake suicide belts and multiple weapons for the purpose. It is no accident, as I see it, that the January attack came just weeks after the London Bridge attack in November 2019 when Usman Khan, himself recently a prisoner at HMP Whitemoor, attacked random members of the public, shouting Allahu Akhbar and wearing a fake suicide belt, the latter causing him to be shot dead by police at the scene. These defendants, inside prison, did not have ready access to weapons or explosives, but they did their utmost to plan and execute a terrorist operation with what they could lay their hands on inside.

### **Ziamani**

I turn now to Ziamani who is to be sentenced today for three offences arising from events at Whitemoor that day: attempted murder in respect of which he was convicted by the jury; further offences of assault occasioning actual bodily harm against Georgina Ibbotson and common assault against Nurse Cowell, to which he pleaded guilty at the PTPH in July.

Brusthom Ziamani, you are now aged 25. The offence in respect of which you were serving a sentence at the time of this attack was a terrorist offence. In 2014 you were convicted under s.5 of the Terrorism Act of acts preparatory to the commission of a terrorist offence. You showed an interest in radical Islam and wrote a letter expressing an intention to wage war on the British Government. You were arrested with a hammer and large knife in your rucksack, having told your girlfriend three days previously that you were planning a terrorist attack. You were later to say that you were planning to behead a soldier. Following a successful appeal against the original sentence of 22 years, you received a sentence of 19 years imprisonment with an extended licence period of 5 years. As that sentence demonstrates, the court was quite satisfied then that you were dangerous within the meaning of the Criminal Justice Act 2003.

With the exception of the common assault the offences for which you are to be sentenced today are all specified offences for the purposes of Schedule 15 to the Criminal Justice Act 2003. Attempted murder is also a serious offence for the purposes of section 224(2) of that Act.

The Court is required to make an assessment of your dangerousness. You are dangerous under the 2003 Act if the Court is of the opinion that there is a significant risk to members of the public of serious harm occasioned by the commission of further specified offences. In making that assessment the court must take into account all information available about the nature and circumstances of the current offences and of any other offences, together with any pattern of behaviour of which any of your offences forms part and any other information about you which it may be given.

The Court has no doubt that you pose a significant risk of serious harm by the commission of further specified offences. The circumstances of your previous offence were sufficient

for the court then to find you dangerous and nothing has changed, as these current offences fully demonstrate. Your adherence to extremist ideology plainly persists, despite the best efforts of the prison psychologist and, no doubt, the prison Imam. You were 8 months into a year-long programme designed to address such beliefs when you committed these offences. Your current twisted view of Islam needs to moderate and change. It is not possible, at this stage, to determine for how long you will remain a danger. Your risk and trigger factors need to be fully explored before the risk you pose can safely be managed in the community.

A sentence of life imprisonment is a sentence of last resort. The court has considered all sentencing options. The court considers that the seriousness of the offences and associated offences is such as to justify a sentence of imprisonment for life.

In your case the provisions of section 224A of the 2003 Act are also met. You are over 18 and have a relevant previous offence listed in Schedule 15B of the Act. There are no circumstances which would make it unjust to impose a life sentence in your case.

The Sentencing Guideline on Attempted Murder applies. Had you murdered Neil Trundle, as the jury by its verdict have found you intended to do, then the case would have fallen within para 4(2)(ba) of Schedule 21 of the 2003 Act. This places the offence of attempt murder within Level 1. Whilst his physical injuries were, happily, less serious than they might otherwise have been it is evident from his VPS that the attack has had very severe long-term effects on Mr Trundle. I commend him for his courage in coming to court, facing you and giving his account of what happened.

For the reasons already given and as I have already said, I am quite satisfied that the offences for which you are to be sentenced today were inspired by extremist beliefs and that they have a terrorist connection. I treat that as an aggravating factor. The other aggravating factor of course is your previous offence.

The sentence I pass on the attempted murder will also take into account the offences against Georgina Ibbotson and Nurse Cowell, in respect of which I shall pass concurrent determinate sentences.

In their VPS Officer Ibbotson and Nurse Cowell speak clearly of the lasting effect that your actions have had on them. Nurse Cowell has had to take early retirement, Officer Ibbotson is valiantly attempting to resume her career as a prison officer. I commend her too for her courage in coming to court to give evidence at this trial.

With the exception of your previous offence, the aggravating factors identified by the Crown all appear to me to arise from the fact that this was a planned, terrorist offence. It is important not to double count.

In mitigation your counsel, Mr Bennathan QC, has rightly brings to my attention your youth and your early opportunistic indoctrination by ALM. He points out that the physical injuries to Mr Trundle were most fortunately not severe.

Focussing on the current offences therefore, and taking into account the aggravating and mitigating features, had these offences stood alone and had this been a determinate sentence it would have been 36 years, reflecting the totality of all your offending. Were it not for the fact that you are serving an indeterminate sentence already the minimum term would be one half of that.

It does not rest there, however. I must also take account of the fact that you are now 5 years into a 19year term for an unrelated matter. I have had regard to the Totality Guideline in this respect. I am told that your earliest release date is 21 April 2027, some 6 ½ years away. The sentence that I pass will begin today but the minimum term must reflect the sentence for your current offences together with the as yet unserved portion of the sentence you are currently serving. This is not a strictly mathematical exercise as the guideline adjures the court to ensure that the total sentence is just and proportionate.

The minimum term will, therefore, be 21 years. This will be served in full before you will be eligible to be considered for release by the Parole Board.

It is important that you and everyone involved with this case should understand what that means. The minimum term is not a fixed term after which you will automatically be released. It is the minimum time you will spend in custody before your case can be considered by the Parole Board. It will be for them to say whether and if so on what conditions you are to be released.

If you are released, you will be subject to licence for the rest of your life. If you were to breach any condition of your licence your licence could be revoked, and you would be recalled to prison.

For the offence of AM the sentence is life imprisonment with a minimum term of 21 years

The following sentences will be concurrent:

For the assault against Officer Ibbotson – 2 years concurrent, reduced from 3.

For the common assault against Jayne Cowell, 4 months reduced from 6.

### **Hockton**

Baz Hockton you are now aged 26. You are to be sentenced today for 2 offences. The first is attempt murder arising from the events at HMP Whitemoor in January this year in respect of which you were found guilty after trial.

You are also to be sentenced for a separate offence sent here from Maidstone Crown Court. On 22 July 2020 you pleaded guilty in that court to an offence of section 18 wounding. On 8 April 2019 whilst being held at HMP Swaleside you used a bladed article to slice open the cheek of a fellow prisoner. I have seen photos of the injury taken at the time and of the scar which is not left. The attack was captured on CCTV, which I have also watched. The injuries were recorded as a slash to the left side face with razor, 2 wounds 4cm x 3mm x 2mm and 4cm x 3mm x 2mm. Your victim on that occasion was treated with six stiches, antibiotics and painkillers. The cutting weapon was not recovered. When asked by an officer if you

were willing to be interviewed you said “yes but I don’t want a solicitor as I’m bang to rights”. You made no comment at interview and have never explained why you acted as you did.

You were at the time a serving prisoner having been convicted of two previous s.18 offences arising out of attacks in October and November 2016. In October 2016 you stabbed someone you had encountered and punched earlier the same evening, a month later you sliced a male passer-by to the right side of his face using a Stanley knife. The latter offence came before the court first in December 2016 when you were given a 6 year sentence. The October attack was dealt with in May 2017 when you were given a 15 year extended sentence comprising a 12 year custodial element and a 3 year extended licence.

I add that these offences come towards the end of a long history of offences of violence and possession of bladed articles starting in 2009 when you were still quite young.

Both the offences for which you are to be sentenced today are specified offences for the purposes of Schedule 15 to the Criminal Justice Act 2003. They are both also serious offences for the purposes of section 224(2) of that Act.

The Court is required to make an assessment of your dangerousness. You are dangerous under the 2003 Act if the Court is of the opinion that there is a significant risk to members of the public of serious harm occasioned by the commission of further specified offences. In making that assessment the court must take into account all information available about the nature and circumstances of the current offences and of any other offences, together with any pattern of behaviour of which any of your offences forms part and any other information about you which it may be given.

The Court has no doubt that you pose a significant risk of serious harm by the commission of further specified offences. The circumstances of your previous s.18 offences were sufficient for the court then to find you dangerous. Far from your conduct whilst in prison allaying such concerns your attack on a prisoner last year and the attempt murder this year serve only to increase them. Your relatively recent adherence to extremist ideology is a significant additional worry. Your current twisted view of Islam needs to moderate and change. It is not possible, at this stage, to determine for how long you will remain a danger. Your risk and trigger factors need to be fully explored before the risk you pose can safely be managed in the community.

A sentence of life imprisonment is a sentence of last resort. The court has considered all sentencing options. The court considers that the seriousness of the offences and associated offences is such as to justify a sentence of imprisonment for life.

In your case the provisions of section 224A of the 2003 Act are also met. You are over 18 and have a relevant previous offence listed in Schedule 15B of the Act. There are no circumstances which would make it unjust to impose a life sentence in your case.

The Sentencing Guideline on Attempted Murder apply. Had you murdered Neil Trundle, as the jury by its verdict have found you intended to do, then the case would have fallen within para 4(2)(ba) of Schedule 21 of the 2003 Act. This places the offence of attempt murder within Level 1. Whilst his physical injuries were, happily, less serious than they might otherwise have been it is evident from his VPS that the attack has had very severe long-term effects on Mr Trundle.

For the reasons already given and as I have already said, I am quite satisfied that the offences for which you are to be sentenced today were inspired by extremist beliefs and that they have a terrorist connection. I treat that as an aggravating factor.

The sentence I pass on the attempted murder will also take into account the s.18 offence against a fellow prisoner at Swaleside last year, in respect of which I shall pass a concurrent determinate sentence. That offence in my view falls within Cat 1 of the S. 18 Guideline and is aggravated by location (prison) and use of a blade whilst in that prison.

Your previous history of offences is a statutory aggravating factor applicable to both offences.

The further aggravating factors identified by the Crown in relation to the attempt murder all appear to me to arise from the fact that this was a planned, terrorist offence. It is important not to double count.

In mitigation your counsel Mr Grunwald QC has brought to my attention your explanation of the s.18 offence last year given to him that it came about as result of theft of belongings in prison. He points out that you have never sought to deny that you had done it and you pleaded guilty at first opportunity. He asks me to remember that you, like Ziamani, are still a young man.

Focussing on the current offences alone therefore, and taking into account the aggravating and mitigating features, had these offences stood alone and had this been a determinate sentence it would have been 44 years, reflecting the totality of all your offending. Were it not for the fact that you are serving an indeterminate sentence already the minimum term would be one half of that.

It does not rest there, however. I must also take account of the fact that you are now 3 years into a 12year custodial term for an unrelated matter. I have had regard to the Totality Guideline in this respect, which indicates that any reduction for totality in respect of acts of violence in prison is likely to be minimal. The sentence that I pass will begin today but the minimum term must reflect the sentence for your current offences together with the as yet unserved portion of the sentence you are currently serving. I am told that your earliest parole date is 15 July 2023, some 2 ½ years away. This is not a strictly mathematical exercise as the guideline adjures the court to ensure that the total sentence is just and proportionate.

The minimum term will, therefore, be 23 years. This will be served in full before you will be eligible to be considered for release by the Parole Board.

It is important that you and everyone involved with this case should understand what that means. The minimum term is not a fixed term after which you will automatically be released. It is the minimum time you will spend in custody before your case can be considered by the Parole Board. It will be for them to say whether and if so on what conditions you are to be released.

If you are released, you will be subject to licence for the rest of your life. If you were to breach any condition of your licence your licence could be revoked, and you would be recalled to prison.

For the offence of AM the sentence is life imprisonment with a minimum term of 23 years

For the s.18 offence concurrent determinate sentence of 10years reduced from 15years for your plea.

In both cases the victim surcharge provisions apply and the court will draw up the necessary order.

That is all, you may go.