

R -v- Duncan Heaton

Sentencing Remarks

Introduction

1. Duncan Heaton you may remain seated until I tell you stand. You are to be sentenced for two offences of attempted murder:
2. On 10 May 2024 at HMP Full Sutton, you attempted to murder a fellow inmate, Andong Ashu.
3. On 25 October 2025 at HMP Wakefield, you attempted to murder a fellow inmate, David Minto.
4. At the time of both of the offences you were serving a sentence of life imprisonment with a minimum term of 258 months in respect of an offence of murder committed on 25 January 2014. You had stabbed a 51-year-old man to death in his home in a vicious attack.
5. I shall set out the facts in relation to each offence for which you are to be sentenced.

First offence

6. I start with the attempted murder of Andong Ashu. Shortly before 10.30am on 10 May 2024, you were working with Mr Ashu in the prison kitchen. At this time, you were a trusted prisoner and classed as “low risk” and were therefore trusted to use knives, but you had to had to book out a knife with a member of staff as and when you wanted to use one.

7. You booked out a large green handled kitchen knife with a blade which was almost 10” in length and had been chopping up salad.
8. Mr Ashu who was on the same wing as you, was working in the Laundry area of the kitchen. You asked him for a replacement pair of trousers from the storeroom. As he turned to retrieve the clothing, you lunged at him with knife, aiming at his chest. Mr Ashu pushed the knife away with his right arm, suffering a laceration to his right hand in the process and shouted for help. You lunged at him again and he managed to block the attack with his left arm. The knife sliced into his left forearm causing a deep laceration, which Mr Ashu described as hitting the bone.
9. Prison staff attended and you left the kitchen, walked into the kitchen office and placed the knife, on the floor. You told the Supervising Officer Smith that you had wanted to kill him Mr Ashu. You initially appeared calm but then became angry calling Mr Ashu a grass. You told Officer Smith that you had been planning to attack Ashu “for ages”, that you were not aiming for his arm, but were aiming for his heart and that you had “had enough of him”. You told Senior Officer Dowse that you wanted to kill Mr Ashu.
10. At the time you gave no further explanation for the attack. In his statement Mr Ashu explained that in his victim impact statement he believes that you are a racist and the offence was racially motivated. However Mr Ashu had been convicted of serious sex offences against a young girl and despite your reference at the time to him being a grass I am sure given what you have subsequently done and said that your prime motivation for this offence was his conviction as you considered him a paedophile.
11. Mr Ashu sustained a 6 cm deep wound to his left forearm with significant blood loss and an injury to his right hand.
12. Mr Ashu has explained that the attack has changed him. He still believes that the attack was racially motivated. He does not like people being behind or close to him. He gets upset when he sees knives. He struggles to sleep and suffers from flashbacks. He continues to suffer pain in his arm, and his arm is not as strong as it was.

The attempted murder of David Minto

13. As the investigation into the offence at HMP Low Newton continued you were eventually transferred to HMP Wakefield.
14. 17 months after the attempt to murder Mr Ashu you were an inmate on A wing as was Mr David Minto who is also currently serving a life sentence for a sexually motivated murder.
15. Shortly before 4.30pm on 25 October 2025, you entered Minto's cell and attacked him with three sharp objects which you or someone else had fashioned into weapons from Perspex, plastic and wood. You said that you had bought one and another you had made from the slider of a set of drawers.
16. You were interrupted by another prisoner and left after headbutting the other prisoner.
17. You then walked into the wing office and surrendered saying that "I've done the Blackpool nonce...I've done Minto".
18. You told the officers that you had attacked Minto due to the fact that he was a sex offender and your family lived in Blackpool and if you had not attacked him, you would have attacked one of two other sex offenders you named on A wing stating "you guys keep putting us up with fucking paedophiles".
19. You were also to explain when you were interviewed under caution that you had been planning the attack for two weeks and that you had been interrupted but believed that he was dead and if you had realised that he was not you would have returned and killed him.
20. Minto sustained injuries to his head, face, neck and upper body. Remarkably they seem to have had so serious long term impact.

Sentencing Guideline

21. The maximum sentence for an offence of attempted murder is life imprisonment.

22. There is a sentencing guideline which I am required by law to follow, and I have to assess your culpability to arrive at the correct starting points for sentence set out in the guideline.

Culpability

23. In terms of culpability, both cases fall within category B – High culpability: In respect of both cases, you planned the attacks. In respect of the attack on Mr Minto, you made sharpened weapons took them to the scene intending to murder him and used those weapons in the attempt to do so.

Harm

24. Turning to harm; category 2 covers serious physical or psychological harm and Category 3 is all other cases. In my view the harm you caused is on the borderline of categories 2 and 3 with the physical and psychological harm caused to Mr Ashu being more serious than those caused to Mr Minto.

25. The starting point for both cases based on category 3 harm is 20 years' custody, with a range of 20 to 30 years' custody.

26. This is for a single offence against a single victim.

27. As for statutory aggravating factors I must take into account your previous convictions apart from the previous conviction for murder; 23 convictions for 79 offences. However I do not view any as relevant save for your conviction of having damaged property with intent to endanger life.

28. As for your previous conviction for murder, the circumstances of which are that he stabbed a man to death; this must not be double counted, and I shall deal with the automatic effect of this sentence in a moment.

29. As I have indicated I am not satisfied that the offence against Mr Ashu demonstrated hostility based on race.

30. Further aggravating factors are that;

- (a) Firstly that the second offence was committed when you were under police investigation in respect of the first.
- (b) The offences were committed in prison. This is a seriously aggravating factor. Offences committed in custody are more serious because they undermine the fundamental need for control and order which is necessary for the running of prisons and maintaining safety.

31. There are no mitigating features of the offences.

32. In my judgment the extent of the injuries and the aggravating features require a very significant increase from the starting points for each offence.

Mitigation

33. As for mitigation, none has been advanced.

Credit for Guilty Plea

34. You are entitled under the relevant guideline to credit for your guilty pleas. In relation to both offences, you admitted them immediately and pleaded guilty at the PTPH having indicated that you would do so in the lower court so should receive full credit.

Section 283

35. Section 283 of the Sentencing Act 2020 applies to both offences and I must impose a sentence of imprisonment for life unless I am of the opinion that there are particular circumstances which:

- (a) relate to:
 - (i) the index offence,
 - (ii) the previous conviction for murder
 - (iii) the defendant, and

(b) would make it unjust to do so in all the circumstances.

36. I am satisfied that there are no particular circumstances which would make the imposition of a sentence of imprisonment for life unjust.
37. Your previous conviction for murder involved the use of a knife to stab a man to death in his own home. You have gone on to commit two offences of attempted murder within 17 months, both of which were premeditated and planned attempts to stab fellow inmates to death, motivated by the fact that they were sex offenders.
38. Had I not been required to impose a life sentence under section 283 I would have imposed one under section 285 as you are obviously a dangerous man as there is a significant risk to members of the public of serious harm occasioned by the commission by you of further specified offences. In my view each of the offences, and beyond any conceivable doubt the second offence in time given the first offence, is serious enough to justify the imposition of a sentence of imprisonment for life.
39. When sentencing for more than one offence generally the overriding principle is totality and the overall sentence should reflect all of the offending behaviour with reference to overall harm and culpability, together with the aggravating and mitigating factors and be just and proportionate.
40. When sentencing a person serving a sentence of life imprisonment to a second sentence of life imprisonment a court can set either a consecutive minimum term or a concurrent minimum term.
41. The overarching guideline on totality provides that consecutive sentences will ordinarily be appropriate when the offence arise out of unrelated facts or incidents and also that offences committed within a prison context should ordinarily be ordered to run consecutively to any sentence currently being served.
42. If consecutive minimum terms are appropriate, it would be wrong to simply add them onto the existing minimum term; some further adjustment for totality must be made.

43. You have served approximately 11 years 10 months (or 142 months) of the minimum term imposed in July 2014 for a period of 9 years and 8 months (116 months) remains on that sentence before you are eligible for parole.
44. The approach I shall adopt is to reflect both offences in the sentence in relation to the second attack on Mr Minto and make the two sentences concurrent. Those sentences will be consecutive to the current minimum term.

Whole life term

45. You have indicated a desire to be made the subject of a whole life order. Sentencing is of course a matter for the Court to determine in accordance with the law, not the wishes of any party.
46. A whole life order is the severest sentence available to this Court and removes any hope of being released. The approach over decades has been not to attach a whole life tariff to a discretionary life sentence save in wholly exceptional circumstances. It would not be wise or helpful for me to give further detail as to the circumstances in which such a sentence can properly be passed. Very serious though these offences are they do not justify such a sentence.
47. The minimum term I will pass will, in my view, be sufficient to properly satisfy the aims of deterrence, just punishment and public protection.

Minimum term

48. As I am required by law to pass life sentences for both offences I must set minimum terms.
49. It is very important that you and everyone concerned with or about this case should understand what a minimum term means. The minimum term is not a fixed term after which you will be automatically released but the minimum time that you will spend in custody before your case can be considered by the Parole Board. It will be for the Parole Board to say at that time whether or not you will be released. If and when you are

released, you will still be subject to licence and this will be the case the rest of your life. If for any reason your licence were to be revoked, you would be recalled to prison to serve your life sentence in custody.

50. Although it is not a matter for me, and will take place many years from now, you can rest assured that the Board will carefully consider how safe it would be for you to be released given your history of extreme violence.
51. A sentence under Section 283 of the Sentencing Act 2020 is not a sentence fixed by law so section 323 applies and I must take a starting point of two thirds of the notional determinate sentence; so two thirds of what I would have sentenced you to had it been a custodial sentence measured in years.
52. For the offence which I have taken to reflect the combined seriousness of the offences that in relation to David Minto, the sentence would have been one of 35 years. You would then have been entitled to a full discount for a guilty plea; reducing the sentence to 23 years as rounded down. Two thirds of that sentence is 15 years which is the starting point for the minimum term.
53. I then have to consider totality given your existing sentence. It would not be correct to just add this minimum term to your existing term. I must consider the total length of the minimum terms that must be served before you will be eligible for consideration by the Parole Board. However, as the guideline states in relation to imposing a consecutive determinate sentence where a prisoner commits acts of violence in prison custody, any reduction for totality is likely to be minimal.
54. I make two other orders. Firstly, the surcharge applies and it should be drawn up in the appropriate amount.
55. Secondly a copy of these comments must be provided to the parole board and a copy to the prison service.

Conclusion

56. Whilst serving a life sentence for murder you committed two offences of attempted murder within 17 months, both of which were premeditated and planned attempts to stab fellow inmates to death, motivated by the fact that they were sex offenders.
57. You appear to have some warped and misconceived belief in your moral superiority over some other prisoners.
58. You are an exceptionally dangerous man and I have little doubt you would consider attacking another prisoner who had been convicted of sexual offences in the future if the opportunity arose. No one involved in dealing with you in any prison in the future should have any doubt about that.
59. You have expressed a desire to remain in custody for the rest of your life as you believe that you are dangerous.
60. However it is not for you to choose your sentence or proper for me to pass the most severe penalty this Court can impose when it is not justified. Although your sentences are extremely serious, they do not warrant a whole life term leaving no hope of release.
61. Although you do not see it at present there is a chance that over the very long period that you will now serve you may change and become less dangerous. If you do not you will face long term exclusion from any interaction with other prisoners for their safety and your sentence will be very much tougher than it would otherwise be. The choice lies with you. Your insight and honesty as to the risk that you currently pose does give some hope.
62. The effect of the sentence I am going to pass is that you will not be eligible for parole until you are 74 years of age. Whether you are ever safe to release will be a matter for the parole board.
63. For the attempted murder of Andong Ashu, I sentence you to life imprisonment with a minimum term of 10 years.
64. For the attempted murder of David Minto, I sentence you to life imprisonment with a minimum term of 13 years.

65. These sentences are concurrent to each other (meaning the additional minimum term is 13 years) but consecutive to the existing minimum term you are serving and you will become eligible for a parole review only after serving both minimum terms; which will be after 20 years and 8 months from now.