



JUDICIARY OF
ENGLAND AND WALES

The Crown Court at Preston

Regina v David Minto

Sentencing Remarks of His Honour Judge Russell QC, Recorder of Preston

26 July 2013

David Minto: You have been convicted by the jury, on overwhelming evidence, of the murder of Sasha Marsden, a 16 year old girl who you lured to your hotel in Blackpool on the pretext of giving her a job as a cleaner, but your real motive was the sexual one to which the evidence points so clearly.

In September of 2012 you met Sasha by chance because she was a friend of a friend of yours, Kim Phizacklea. After meeting Kim Phizacklea with Sasha you indecently assaulted Kim when you got the opportunity – she rebuffed your attentions and thereafter you persistently tried to arrange another meeting with her. It was when she finally brushed you off that you immediately, within minutes, turned your attentions to Sasha by contacting her on Facebook and arranging for her to come to your hotel on Monday 28th January on the pretext of the cleaning job. Arrangements were made for her to return on the Thursday 31st January and she did so.

At your hotel you murdered her in the most brutal fashion. She was stabbed repeatedly on the head and neck. It was a ferocious and sustained attack as illustrated by the number of stab and slash wounds, in excess of 50, the fact that there were defence type injuries, sustained as Sasha tried to fight you off and the fact that the bone of the skull was scored, indicating considerable force. She was sexually violated at or immediately before or after the death as indicated by the medical findings of Dr Armour the pathologist, both vaginally and anally.

I am not going to repeat the details of this horrific incident – they have been gone through over the past two weeks of the trial and it is unnecessary to do so.

However, after the terrible attack your depravity continued in the way in which you dealt with Sasha's body, trying to destroy it by fire as you so obviously did, despite your protestations to the contrary. You also attempted to conceal what you had done by cleaning the scene to some extent and washing your clothing. Further as the prosecution were able to demonstrate so clearly you have throughout the investigation not only lied, but sought to cover your tracks and then tailor your account to deal with each new piece of evidence pointing in your direction as it was revealed to you. You have shown a degree of low cunning, but it was easily seen through.

I will summarise the aggravating features of which there are several when I come to set the minimum term you must serve.

Sasha Marden was an attractive 16 year old girl with the prospect of a happy and successful life ahead of her. She had taken up studying child care. She came from a close and hitherto happy family and had a nice boyfriend who gave evidence during the trial. You have not only destroyed the life on one human being in a most brutal way, but your cruelty has devastated her loving parents and family and friends. I have read a most moving account from Sasha's mother and father which says that each wound you inflicted upon Sasha has stabbed at the heart of each and every one of her family.

Despite the overwhelming evidence against you, you contested this trial, with a defence that was so preposterous that as they listened to it, not only did the members of Sasha's family have to suffer the ordeal of learning the full detail and relive the events which they describe as horrendous, but they must have listened with mounting incredulity as the evidence unfurled and as your attempts to brush off your responsibility emerged. As they so accurately put it, Sasha's parents have had to listen to how their youngest child was subjected to the most degrading and foul acts that any person could impose on another human being. Their statement reads: "These things will haunt us for the rest of our lives."

I wish to pay tribute to the family and friends of Sasha who have been present in court throughout this trial. Their dignity in the face of this ordeal has been an example to us all. The trial has been distressing for us all and for the jury but the agony for this family is in my judgement exceptional even given some of the terrible crimes which have been tried in this court.

You, David Minto, are aged 23. You have no significant criminal history. You are not suffering from any mental disorder which could explain your conduct or mitigate the offence in any way. There is a record of your having suffered from attention deficit hyperactivity disorder in 1996 and that you had some psychiatric problems as a child. However in 2005 it is documented that there were no symptoms of ADHD and whilst suffering from depression at that time you were discharged from psychiatric care in 2006.

There is no mitigation and I am satisfied that an intention to kill has been established in this case.

You have displayed a complete absence of remorse. There is not a shred of common humanity in you. You are, in my judgement a very dangerous and evil man.

The sentence for murder is fixed by Law – accordingly the sentence of the Court for this offence is Life Imprisonment.

Whether you are released after the minimum term I am about to set will be for others to decide, and you may well be kept in prison for the rest of your life, but if you are ever released you will remain subject to licence provisions and eligible to be recalled to prison for the whole of your life.

I do not consider that the criteria to justify a whole life order have been established.

I must therefore consider the part of that life sentence which should be served before you are eligible to apply for early release. In my judgement the seriousness of this offence is particularly high and I have come to the conclusion that the appropriate starting point for setting the minimum term to be served, having regard to the provisions of Schedule 21 of the Criminal Justice Act 2003, is 30 years

My reasons are as follows:

This was a case involving sexual conduct within the meaning of Paragraph 5 (2) (e) of the schedule. The evidence of Dr Armour the pathologist was to the effect that at the time of or shortly after death there was penetration of the vagina and anus with a penis sized object.

I have identified the following aggravating features from paragraph 10 of the schedule. There was premeditation or planning, not of the murder itself but of luring this girl to your hotel for your sexual purposes and gratification. She was a vulnerable victim by reason of her age. Considerable physical suffering was inflicted before her death, as is clear from the nature and extent of the injuries which include defence injuries. There was an abuse of trust because you lured her to the hotel on the pretext of giving her a cleaning job. Finally after her death you tried to destroy her body.

Taking these factors into account and the complete absence of any mitigation, because I am satisfied that an intention to kill has been proved, the sentence of the court for the offence of murder is Life Imprisonment of which you must serve a minimum of 35 years before being eligible to apply to the authorities for parole. Put another way that means that you will not be able to apply for release until the year 2048.

Take him down.