



Neutral Citation Number: [2024] EWCR 9

IN THE CROWN COURT AT OXFORD

Date: 18/12/2024

Before :

Her Honour Judge Nott

Between :

REX

- and -

THOMAS JOHNSON

Sentencing remarks

1. On 19 June 2023 Ethan Goddard was 18 years old and was awaiting the results of his engineering exams at Abingdon College. That day he had been for a job interview and, along with his parents and two younger sisters was excited about what his future held. He was passionate about restoring bikes and motorbikes with his Father, and at the time they were engaged together in restoring a classic car.
2. Daniel Hancock had celebrated his 18th birthday a month earlier and was hoping to start working alongside his father in their small family business. Like Ethan, he was an adored older brother and son, inflicting drum and bass on his mother while teasing her about her musical taste, affectionately if painfully tweaking his father's nipples, filling the house with teenage noise, chaos and joy. He loved fashion, he loved his family and he loved his friends.



3. Daniel's closest friend was Elliot Pullen who, then aged 17, was looking forward to his 18th birthday on 18 July. He was the baby of his family; his older sister Mia was studying at Nottingham University. Mia told me that he was her best friend. Mel Hancock told me how much Elliot's cooking skills were appreciated by Daniel, and that his cheerful presence was always welcome at the Hancocks' home. Like his friends, Elliot was on the cusp of adulthood and was a both a credit to – and a source of joy for – his parents.
4. You Thomas Johnson, Tom, had turned 18 two months earlier on 15 April 2023. Part way through a two-year business studies course, your ambition was to be a financial analyst and to fulfil your promise to your mother, made when you were 10 years old, that you would make something of your life in her memory after she was gone.
5. Shortly before 10 past midnight on 20 June 2023, after a prolonged period of reckless and dangerous driving, you fatally lost control of your BMW and came off the A415 at Marcham at high speed, crashing into a lamppost and then a tree. This is how you ended the lives of your three passengers – your friends – and catastrophically shattered the lives of their families, as well as your own life.
6. The subsequent collision investigation was meticulous, and events leading up to the collision have been reconstructed to a high degree of certainty.
7. ANPR searches were conducted on your BMW and provided several images of you driving in the hours before the collision. At 20.07hrs on 19 June an image was captured where you and your front seat passenger can clearly be seen with inflated balloons in your mouths.
8. At around that time Ethan's friend Kaelem Jackson was arriving at the Tesco car park at Abingdon with Ethan and others, having spent the early evening driving around in Ethan's car. You arrived shortly after with Elliot and Daniel, and Kaelem described the three of you "doing smart-whip", i.e. inhaling nitrous oxide via balloons from gas canisters. This went on until about 22.10hrs when Ethan drove Kaelem home, Ethan having decided to go driving with you. You, Elliot and Daniel followed in your BMW, and Ethan left his car and became a passenger in yours. It seems likely that you were going to 'whip' the car – i.e. drive it deliberately recklessly and cause it to drift and skid



at speed for fun. Certainly that is what Emily and Sophia Withers witnessed you doing shortly before you came off the road.

9. Ethan's mobile phone was later examined. It holds messages between the user of the phone, apparently you Tom, and a contact 'Jack' at around 22:55hrs that night, so just prior to your last journey captured by a Life360 application also on this phone. One of the messages from Jack, sent at 22:55hrs, reads "Was Ethan whipping when I called?" You replied "Yes he was 145 down a 50 road...Turbo bout to blow...And we're just chilling" and then "I taught him how to push it big time." This exchange of messages supports the inference that together with your friends you had embarked on a deliberate course of dangerously reckless driving that night, including you apparently teaching Ethan to 'whip,' and that you were about to do the same again.
10. Whether or not you had let Ethan drive your BMW earlier that night, you were the one driving throughout the hour or so leading up to the collision.
11. Ethan's girlfriend Amber Chalmers had a Life360 application on her mobile phone that was linked to the application on Ethan's phone, and from which investigators were able to track his phone's travel between 23:03hrs on 19 June to 00:08hrs on 20 June – a total journey time of 1 hour and 5 minutes. Data analysed from this application indicates high speeds and hard breaking throughout that journey time.
12. Ethan's mobile phone provided three videos taken in that lead up, that we have watched together this morning. The first of these is a nine second video timestamped at 00:03:50. It shows you and Elliot holding inflated pink balloons to your mouths. You are revving your car and driving at high speed. The second video is a 5.8 second clip timestamped at 00:07:47 showing you stopped at traffic lights and again holding an inflated balloon to your mouth.
13. The third video is a 7.8 second clip timestamped at 00:08:08 showing the traffic lights changing to green and then your car accelerating and turning right. At six seconds in the road straightens out and shows your car approaching a national speed limit sign with you still holding a pink balloon to your mouth. We can hear general car revving, music playing; finally a someone laughs and then says "oh shit bro, oh shit."



14. The collision is believed to have occurred at about 00.10hrs, within a minute or two of this final video being recorded. In the interim you had fast approached the car of Emily and Sophia Withers, pulled in aggressively behind them, and then pulled out equally aggressively to overtake them. You then entered the 30mph stretch of road approaching Marcham at an estimated 98 mph, and took the bend into Marcham at a speed which, even at its lowest calculation, was too great for your BMW ever to have been able successfully to navigate.
15. Ethan was the only one of you wearing a seatbelt – the rest had simply clipped the belts in behind you.
16. You veered off the road catastrophically. Your friends Elliot, Daniel and Ethan died at the scene. You were cut out of the car and were taken by ambulance to the John Radcliffe Hospital where determined efforts were made to save your life.
17. Meanwhile investigators found a large ‘Cream Charger Master’ canister containing nitrous oxide in the driver’s footwell of your car and another in the front seat passenger’s footwell. A further eight such cannisters were found in the car boot.
18. The BMW’s ‘Dynamic Stability Control (DSC)’ and traction control systems, both safety features, had been deliberately manually deactivated prior to the collision, allowing the driver purposefully to break traction; allowing the vehicle’s wheels to slip, or spin, relative to the road surface.
19. The collision investigator concludes that as you passed the Frilford Service Station, you may have been attempting purposefully to induce a state of yaw, or oversteer, whilst accelerating around the corner in an attempt to ‘drift’. This refers to the vehicle’s rear wheels losing traction and stepping outside of their normal driven path.
20. In short, while inhaling nitrous oxide and having disabled essential safety features, showing off to your friends and doubtless encouraged by their presence, you accelerated beyond your ability to control your car and sought to ‘drift’ around the narrow bend into Marcham – and all for teenage thrills.
21. In the result your three passengers will never see beyond their teenage years, and you move out of yours significantly and permanently disabled, having to



come to terms – throughout the rest of your life – with the cataclysmic damage that your decisions and actions that night have wrought.

22. I have listened this morning, and in one case read privately, to victim personal statements from Ethan's mother Melanie Goddard, from Elliot's aunts Laura Oakes and Jessica Pagan-Davis, from his sister Mia Pullen and his mother Kate Pullen, and from Daniel's mother Mel Hancock and father Alex Hancock. The pain that each of them has expressed is unimaginable and will endure. The dignity and compassion each was able to show to you this morning, despite their justified anger and their pain, was also remarkable.
23. It is worth reflecting at this point that no sentence I pass can reflect the extent of their individual and collective loss, nor the depth of their grief.
24. While acknowledging the devastating loss of three beloved sons, grandsons, brothers, nephews, the sentences that I pass today must balance this most serious of harm against your particular culpability. As Alex Hancock put it when speaking to me earlier, "there can be no winners here today; all of the families involved, including Tom's, will be left devastated."
25. Something else Mr Hancock said, departing from his written statement, was to remind us that "we were all teenagers once, we have all made stupid mistakes, most of us are lucky enough to have escaped serious consequence and to not be defined by our teenage mistakes." You did not escape serious consequences – they were visited on your friends. You will be forever defined by your teenage mistakes, but you will also have the chance to rewrite that definition.
26. You committed these offences after 26 June 2022 when the maximum sentence for causing death by dangerous driving was increased from 14 years to life imprisonment. You fall to be sentenced pursuant to the new Guideline, adjusted both to reflect that increase and to recategorise the levels of culpability.
27. The current Guideline is effective from 1 July 2023, and applies to those sentenced after that date, whatever the date of the offence. It amounts to a significant revision of the previous guideline, having been developed after consultation to reflect Parliament's increase in sentencing for drivers who cause death through their dangerous driving and to take account of a new



offence of causing serious injury by careless driving. The Guideline has been revised, recast and significantly remodelled to reflect modern driving practices, and also specifically to address cases such as this one where the driving has caused multiple deaths. It still requires a stepped approach, and I must assess culpability only by reference to the factors specified in the Guideline under categories A, B and C, before considering enhanced harm, and then reflecting any aggravating and mitigating features.

28. There are two overarching Guidelines to which I must also have regard: first, given the on-going traumatic symptoms of your acquired brain injury, the Guideline for Sentencing Offenders with Mental Disorders, Developmental Disorders and Neurological Impairments.
29. Second, as you had just turned 18 when you committed the offences, I must have some regard to the Sentencing Children and Young People Guideline which sets out, at paragraph 1.5 that, “Children and young people are not fully developed and they have not attained full maturity. As such, this can impact on their decision making and risk taking behaviour.” This is something echoed within the adult offence-specific Guideline, which points out, “In particular young adults (typically aged 18-25) are still developing neurologically and consequently may be less able to evaluate the consequences of their actions, limit impulsivity [and] limit risk taking. Young adults are likely to be susceptible to peer pressure and are more likely to take risks or behave impulsively when in company with their peers.” As I have already alluded to, both Alex and Mel Hancock in their compassionate, dignified victim personal statements each made this point in a similar way. The Youth Guideline notes, “When considering a child or young person’s age their emotional and developmental age is of at least equal importance to their chronological age (if not greater).” While this Guideline is primarily designed for the under 18s, parts are referenced within the adult Guideline, and I consider that nonetheless it has a relevance in your case to which I will return later.
30. Starting with the offence specific Guideline, I am grateful to both advocates for their careful and sensitive written Notes and oral submissions. I have reflected upon their submissions as to where this offending falls. I intend to



deal with the three offences globally and will pass concurrent sentences on each that reflect the overall harm and culpability, adopting the stepped approach required by the Guideline.

31. This is clearly a culpability A case, with a starting point of 12 years. The question is by how much should that starting point be raised bearing in mind the multiplicity of culpability factors here. I find the following culpability factors apply in your case:

- (i) You were highly impaired by the consumption of drugs. Evidence from Kaelem Jackson suggests that you, Elliot and Daniel were ingesting nitrous oxide from balloons together certainly from 8pm that evening. ANPR evidence shows you inhaling from a balloon at the wheel at seven minutes past 8pm; the mobile phone video evidence establishes that at least you and Elliot were inhaling nitrous oxide in the seven minutes leading up to the crash, with a cannister passed to Elliot by Daniel from the rear offside passenger seat six minutes before the crash, and you with a balloon to your mouth a minute or two before the crash. This sustained use of nitrous oxide within the confines of the car by at least three of you likely also toxified the air within the car, according to the expert opinion of Christopher Bishop. For these reasons I agree with Mr Bishop's assessment that you were highly impaired at the time of the crash, and that your use, and your passengers' use, of nitrous oxide within the car would have markedly affected your ability to drive safely.
- (ii) Ultimately you lost control of your car because you were travelling in excess of three times the speed limit, and at a speed that was highly inappropriate for the country lanes you were navigating.
- (iii) Emily and Sophia Withers attest to your skidding or drifting as you approached the Frilford Service Station, and your pulling in at speed behind them, tailgating them aggressively, before pulling out and overtaking them erratically. This evidence, taken together with the footage from Ethan's mobile phone, the messages you had sent an hour or so earlier about Ethan "whipping... at 145 mph on a 50 road" under your tutelage, and the fact that your DSC – dynamic stability



control – and traction control systems had been manually disabled, indicate that you were deliberately sending the car into skid, which ‘obviously highly dangerous manoeuvre’ contributed to your loss of control of the car.

- (iv) There were therefore three deliberate decisions to ignore the rules of the road – a decision to speed, a decision to drive while deliberately impairing yourself through ingestion of nitrous oxide at the wheel, and a decision to send the car into skid – each of which was in disregard for the risk of danger to others;
- (v) Finally, this was a prolonged, persistent and deliberate course of dangerous driving – the telephone evidence indicates excessive speeding and likely deliberate skidding while inhaling nitrous oxide over the course of an hour or so before your car careered off the road.

32. Assessment of culpability is not a mathematical exercise, but one of judgement. While there is inevitably some overlap between them, in my judgement the number and nature of these high culpability factors require an uplift from the starting point to 14 years.

33. The Guideline recognises that every case of causing death by dangerous driving involves harm of the utmost seriousness, but requires consideration of additional loss of life at step 2. You caused three deaths; three families now suffer the shattering loss of a beloved, son, grandson, brother, nephew. The Guideline is new; there is little guidance as to how justly to reflect such additional harm. In my judgement, when looking at additional harm having already accounted for culpability, I should look first to the three year starting point for causing a death by dangerous driving without raised culpability factors. If the sentence starting point for causing a death by dangerous driving purely by reference to harm is three years, then the additional harm flowing from three deaths rather than one may be appropriately recognised by a six year uplift.

34. This gives a total of 20 years before I consider any additional aggravating factors and address and reflect the mitigating factors.

35. There are no additionally aggravating factors in your case – I have reflected the fact you had three passengers in my assessment of additional harm.



36. There is significant mitigation here, specifically the following:

- (i) Your victims were your friends; two of whom you had been friends with since you started secondary school, one you had met more recently but who shared your love of cars, motorbikes and motorcross. While it was your dangerously reckless and criminal actions that caused their deaths, the evidence shows that they went along with you for the ride, doubtless due to their own youth, immaturity and misplaced sense of immortality;
- (ii) Your remorse: this permeates the material placed before me – the PSR, Dr Alcock’s psychiatric report, your references, your letter to me. It is genuine; it is consistent; it is heartfelt. The severity of your brain injuries means that you have no memory of that night, or indeed the weeks leading up to it. However you have seen the Collision Investigation Report and understand its implications. You told Dr Alcock, “I take full responsibility for the choices that I made and I know that it was my poor decisions that caused the death of my friends... If I could trade my life for theirs, I would straightaway, I wish I had died with them, not to relieve me of my guilt but just so I could still be with my friends.” Although you are “extremely scared” of custody you said, “I am not a risk of suicide, that would be trading my pain, I don’t want to cause any more damage than I already have, I have to face up and accept what I did and serve my punishment.” Your college counsellor Jan Jones also reiterates your acknowledgement of the horror that has resulted from your actions, your humility towards others and your desire to contribute positively to society. Having read the extensive material from adults, including professionals, involved in all aspects of your life, I am sure that your remorse is not simply presented as a tool for mitigation as some have told me, understandably, they fear it might be, but it is real, it is deeply felt, and it may reflect a burgeoning if not yet complete maturity.
- (iii) Your character. Apart from a conditional caution received for an incident at school when you were 14, you have not previously been in trouble. Your referees speak to your strong work ethic, notwithstanding



your on-going challenges, and other positive aspects of your character. Your college tutor has told me about your commitment to your studies despite your current challenges, and about Oxford City College's consequent commitment to help you continue your studies while in custody. A theme in the devastating but compassionate victim personal statements that you have heard today is a wish for you to make something of your life, to one day serve as an example to others about the consequences of reckless behaviour. I hope it will be a small comfort to the bereaved families to know that you are already trying to do this. Leanne Harding of Total Martial Arts Premier Academy in her letter to the court speaks highly of your commitment as a volunteer there, mentoring young people to perhaps make better choices than you made back in June 2023. You have said that you want one day to be able to go into schools and to speak to young students, warning them about the consequences of reckless decisions. This is something that I hope might be further explored through your offender manager, particularly as members of Elliot's family and Daniel's family have said that this is something that they would value.

- (iv) Your injuries, which I consider against the background of Guideline on Sentencing Offenders with Mental Disorders, Developmental Disorders and Neurological Impairments, given the on-going traumatic symptoms of your acquired brain injury. I have given this aspect particularly anxious consideration in light of the Court of Appeal's recent indication in *R v Hull* [2024] EWCA Crim 195, (para 33) that for the effect of injuries "to be of any mitigating value at all there would have to be clear evidence of substantial problems that they would cause the offender in serving a prison sentence." Your injuries are comprehensively described by Dr Alcock at Section 7 of his detailed report. The traumatic brain injuries you acquired were serious, placing you in an induced coma, medically paralysed and ventilated, initially for over 20 days. As well as bleeding on and bruising to the brain, you suffered multiple facial and skull fractures, fractured ribs and a collapsed lung. You have undergone numerous surgeries including brain surgery,



some of which have additionally required medical coma to be induced, for a total of 10 weeks. You suffered retrograde amnesia, and your ability to remember new information has been impaired. You are left with significant deficits in your Episodic Memory as well as with moderately severe depression and anxiety, all of which are on-going and which are likely to affect you for years rather than months. Although you have returned to Oxford City College where you were half-way through a business studies course at the time of this incident, you have had to drop to a lower level BTEC course to accommodate your on-going and permanent cognitive impairment. Additionally, you have suffered permanent loss of sight in one eye and facial disfiguration. As well as the physical disability, these visible facial injuries will likely affect you psychologically for the rest of your life – a permanent reminder to you and those who meet you that you caused the deaths of your friends. The detailed report of Dr Alcock suggests to me that your injuries and on-going symptoms will make your time in custody more challenging than you would otherwise find it.

37. Before I consider your youth, it seems to me that these significant mitigating factors that I have just outlined collectively require a downward adjustment of four years to 16 years
38. Turning then to your youth, you are now aged 19; you were 18 years and two months at the time of your offending. Had you been 17 at the time of the offences I would have reduced the sentence before reduction for plea by one quarter in accordance with paragraph 6.46 of the Youth Guideline. As the courts are often reminded, an 18th birthday is not a 'cliff edge'. I note the assessment of Samir Betmouni, the author of your pre-sentence report that you were immature at the time of the offence and that this immaturity was a likely a factor behind it. This may be in part because your upbringing was significantly affected by tragedy. Dr Alcock's comprehensive report sets out some of your family background: your mother suffered a stroke shortly before your birth and was consequently significantly disabled throughout your childhood; even as a young child you took on significant caring responsibilities in respect of her. You had an extremely strong bond with her which was



suddenly broken when she tragically died after a second stroke when you were just 10 years old. Your father had left your mother some 18 months previously and you were at the time estranged from him. Some months after your Mother's death you moved from Devon, where your maternal grandparents had been looking after you, to live with your father. There was seemingly some Social Services involvement but that has not been elaborated upon. These adverse childhood experiences in my judgement likely affected your emotional development and maturity throughout your adolescence and as you turned 18. It seems to me that it would be appropriate in your case to apply a reduction of somewhere in the region of 12.5% to reflect your youth and immaturity at the time of the offence.

39. The least sentence after a trial then, would be one of fourteen years detention. Because you indicated your guilty pleas in the Magistrates' Court you are entitled to a reduction of 1/3. The sentence on each count, to run concurrently is therefore 9 years 4 months detention. You will serve two thirds of that period in custody, before automatic release on licence. You must abide your licence conditions and not commit any further offence or you risk being returned to prison to serve the remainder of your sentence.

40. It seems unlikely that you will ever drive again. However I must disqualify you from driving for a minimum of 5 years and until you have passed an extended retest. Pursuant to section 35A Road Traffic Offenders Act 1988, that disqualification must be extended to take into account the time you will spend in custody; therefore the disqualification period will be for 11 years and 11 weeks. The victim surcharge will be collected by the Magistrates.

18 December 2024