



IN THE CROWN COURT AT SOUTHWARK

01CW1626824

REX

-v-

TREVOR GOCAN

SENTENCING REMARKS

26 June 2025

1. On 6 October 2024 at approximately 11:54 you and James O’Neill encountered one another in Odhams Walk outside your home address. You were both residents on the Odhams Estate but unknown to one another. What next took place was witnessed to a greater or lesser extent by members of the public. Within 90 seconds Mr O’Neill was on the ground having sustained serious injuries from which he died. He was 74 years old. The jury convicted you of manslaughter on 1 May 2025.
2. CCTV footage showed you entering the gate to the estate. Mr O’Neill, as was his regular habit, was taking a walk while his wife cooked their Sunday lunch. I accept that he said something to you about the gate being left open, for there can be no other reason why you and he would have had cause to speak to each other. I am also prepared to accept that he may have come across as forthright and rude given what other witnesses had to say about their interactions with him on previous occasions. But however confrontational he might have been it provides no adequate explanation for your response, not least because you could have walked the few steps to go inside and get away from him. As you accepted in cross-examination, this had nothing to do with racism or the suggestion of racism on the estate; it is something I mention only because it has been referred to today in the course of mitigation.
3. The first witness alerted to what was happening was Mohammed Rahman standing on the opposite side of the road outside Zara. Criticism has been made of his evidence. Having heard it myself I am sure that he saw a punch and a kick before Mr O’Neill hit the ground. He saw

the two of you arguing; you standing in what he described as someone in a fighting position. He saw you swing your arm towards Mr O'Neill's face immediately followed by blood and something watery coming from his mouth. That blow was followed by a kick to Mr O'Neill's groin area and he then fell to the ground. Mr Rahman did not see the final kick, but members of the Samuels family coming out of Zara did. They saw Mr O'Neill on the ground and you delivering a kick to his torso described by one as a 'strong kick' and the other as a '7 ½ out of 10'. A further witness, Mr Gulbiki, was not in a position to see what had happened, but he heard someone shout 'I live here' and the sound of someone being hit or hitting the ground.

4. Having delivered your final kick you turned your back and went inside. You told the jury you took your jacket off and fed the cat.
5. Witness immediately ran to assist Mr O'Neill, but by then the gate was closed and it was a number of minutes before they were able to get through. Once inside they sought to give what assistance they could to Mr O'Neill, who remained on his back on the ground until the police and ambulance arrived. His wife and one of their sons were by then also at the scene. Inside your house overlooking the path where this had unfolded you must have been aware of what was taking place.
6. Mr O'Neill was still conscious but became increasingly unresponsive. He was treated at the scene and conveyed to hospital. He underwent emergency surgery to treat the bleeding over his brain. He never regained consciousness. Artificial life support was withdrawn on 17 October when it became clear he would not recover. He died from his injuries on 21 October.
7. You were arrested at your home on 6 October. You were interviewed and declined to answer questions. At trial you said your reason for responding in this way was because as far as you were concerned you had done nothing wrong, a phrase you repeatedly returned to in your evidence and which Mr O'Neill's family have all remarked upon in their personal statements.
8. Mr O'Neill's wife of almost 50 years, their sons and daughter speak of the impact your crime has had and will continue to have upon their family. They speak of their loss and pain far more eloquently than I can. Mrs O'Neill has lost the man she describes as her soul mate and the love of her life. She is heart-broken. Unable to bear the sight of the spot where he fell she feels compelled to leave her home of 43 years. Lee, Amos and Abigail speak of the effect the loss of their father has had upon them No sentence I can pass can begin to compensate them for the enormous loss they have all suffered.

9. The maximum sentence for manslaughter is life. For unlawful act manslaughter the Sentencing Guidelines provide a sentencing range between 1 and 24 years. Where in the Guideline a particular case falls depends on the court's assessment of the offender's culpability. In this case the prosecution say the combination of Category B factors puts you into the highest category. Your counsel contends for the lowest category.
10. I have concluded that yours is an offence which properly falls within the high culpability Category B.
11. Having heard the evidence of Dr. Biedryskie and eye-witnesses as to the level of force used I am satisfied that Mr O'Neill's death was caused in the course of an unlawful act involving an intention on your part to cause harm falling just short of grievous bodily harm. I am also satisfied that the unlawful act carried a high risk of death or grievous bodily harm which was or ought to have been obvious to you. Within seconds of encountering Mr O'Neill you were engaged in a confrontation. He was much older than you; in his shorts and crocs he presented no physical threat. I reject in its entirety your suggestion at trial that you felt the need to defend yourself. Had you genuinely felt threatened you could have walked away. Instead you put your drink and sandwich down to confront him. I am satisfied that you punched rather than slapped him with sufficient force to dislodge a tooth and cause a through and through injury. You then kicked him. The combined effect of the punch and kick caused an accelerated backwards fall audible to Mr Gulbicki who was some distance away. The force with which Mr O'Neill hit the ground fractured his skull and caused a severe traumatic brain injury. He was not rendered immediately unconscious but was likely bleeding from his mouth. Not content with having put him to the ground, you kicked him a second time. This kick with a shod foot broke three of his ribs.
12. The Guideline indicates a starting point of 12 years with a range between 8 and 16 years. I have reflected upon whether the factors combined warrant a finding of very high culpability rather than just high and concluded that they do not, but the level of violence and the gratuity of the final kick put it towards the higher end of Category B.
13. This is a specified offence and I must consider whether you are dangerous. Given your age, antecedent history, and the circumstances of this offence, I am satisfied that the statutory criteria for such a finding are not made out.

14. You are 57 years old. You have no convictions and one caution for common assault in 2012 when you unlawfully pushed your wife. I do not count this as an aggravating factor; it was of a very minor nature and a long time ago. Your wife has said it was very much an isolated incident.
15. Having not elevated the offence to the highest category of culpability I regard the use of a shod foot as an aggravating factor, however I do not rely on Mr O'Neill's age as such. He was much older than you but the prosecution have not suggested he was particularly vulnerable by virtue of that fact. However, the location of the offence which has resulted in Mrs O'Neill having to leave her home, and the fact that it was witnessed by members of the public including Harry Riley, then aged 12 are aggravating factors. Harry Riley saw the final kick and watched as his mother and grandmother tried to help Mr O'Neill. He described feeling shocked, angry and scared by what he had witnessed.
16. After your final kick you turned your back on Mr O'Neill and walked away. This is not an aggravating factor but it denies you of the mitigation you might have received had you done anything at all to help him. You told the jury that you dialled 999 but hung up believing others present had or would do so. Your phone bore no trace of this call. The truth is you did absolutely nothing.
17. The aggravating factors warrant an uplift from the starting point.
18. Against that I take into account everything that has been said on your behalf; your lack of convictions, the evidence of your positive good character, and your very traumatic childhood about which I have read and which has left you with PTSD. It is not suggested that this has any bearing on your culpability but I do regard it as some mitigation. Your experiences as a child compounded by the more recent death of your brother who you regarded as your childhood protector were the reason why, on medical grounds, you left your employment with Royal Mail after 20 years' service.
19. I have reminded myself of the character evidence given to the jury and in statements provided for the purpose of this hearing. People who worked with you describe you as a good friend, a valued and highly respected colleague and a devoted family man. All are surprised by your conviction which does not accord with the person they know. The prison report describes you as an outstanding inmate who has a positive attitude and is always willing to help. It is to your credit that within a short time of your remand you achieved enhanced prisoner status. You have a job as a cleaner and have completed a number of educational courses.

20. I have also received statements from your wife and oldest son. You and your wife separated in 2015 but you have remained on good terms and you have played a very active role in the upbringing and care of your two children, now aged 17 and 14. Your youngest son is autistic and attends a specialist school. He has not been told why you are absent because it is not something he would be able to understand. Inevitably your absence will impact all three of them, something which I do not doubt will in turn impact upon you.
21. You have written to me expressing your remorse. You showed no remorse at the time and none at trial. You maintained to the author of the pre-sentence report that you acted in self-defence and that Mr O'Neill was the aggressor. Your remorse, if it is genuine, has taken a long time in coming. Nonetheless I accept that your regret for what happened is genuine and that you have spent some time reflecting upon it.

Sentence

22. Your unlawful actions on 6 October 2024 caused the death of Jim O'Neill; a much loved husband, father and grandfather. Challenged about something of relative unimportance you were immediately irritated. You did not need to defend yourself. The truth is you lost your temper and with it your control. You walked away. Mr O'Neill did not.
23. This offence is so serious that only a lengthy sentence of imprisonment is appropriate. I impose the least possible sentence that I can having regard to all the aggravating and mitigating circumstances.
24. The sentence will be one of 12 years' imprisonment.

Sentence explained. Surcharge imposed.

HHJ Sally-Ann Hales KC