

**THE HON. MR JUSTICE ANDREW BAKER**

**16XP0484225**

**AT THE CENTRAL CRIMINAL COURT**

**5 February 2026**

**R v Vladimir Motin – Factual Basis for Sentence**

1. It is common ground, and I agree, that under the sentencing guideline for gross negligence manslaughter this is a case of at least medium culpability. The question arises whether, as the prosecution propose, it is a case of high culpability because of a blatant disregard for a very high risk of death, or because that guideline description is the one that most closely resembles this case.
2. That raises an important point that I must judge on the facts, and I have decided to give judgment on that point now, as a separate ruling prior to dealing with sentence. The question is what really happened on Capt Motin's morning watch on 10 March 2025. Did he fail to keep a proper lookout, so as to be unaware of the impending calamity dead ahead until just about the moment of impact? Or did he attend properly enough to basic lookout duties, but then act with incompetence in failing to navigate his ship safely, and with disregard for the lives of his crew and that of *Stena Immaculate* in failing to sound any alarm before he ploughed into the tanker, full ahead at 16kn? In my judgment, those are the possible explanations raised by the evidence at trial.
3. Capt Motin's defence was that he kept a proper lookout throughout and was then guilty of human error, involving a measure of fault, nothing worse, in failing to avoid collision and failing to warn his crew. That was not a credible defence. Did Capt Motin advance it untruthfully, because in fact he had so failed to keep proper watch that he did not see the urgent danger ahead of him, that is why he did nothing to avert it, and he realised that anyone sensible would judge that to have been an extreme case of negligence? Or did he advance his defence truthfully, as to what he did and did not do, on the notion – but I think, a deluded notion – that people might think those facts did not disclose extreme negligence?

4. Capt Motin, I am sure, was grossly negligent either way, but the case therefore has this unusual feature. His conduct was, in my view, even worse on his factual account than if the reality was a gross failure to keep proper watch, in which case his factual account was untrue. As a result, his sentence should properly be longer if his account of what he did and did not do was true than if that account was a fiction, as the prosecution claimed in their primary argument at trial. In those circumstances, I do not think it right to take Capt Motin's word for what he did and did not do that morning, and sentence him on that basis, even though it might perhaps be thought that he could not complain if I did that, and even though it was submitted on his behalf that I should proceed on the basis of his factual account. To be fair to counsel, that submission was advanced in effect on the premise that the gross negligence disclosed by Capt Motin's account of what he did and did not do might be seen as less severe than a gross neglect of watchkeeping duties, whereas I see it as worse, and of course under professional constraints as to what factual case counsel might positively advance.
5. The basic facts of the collision suggest a ship unaware of the risk ahead. That is the most likely explanation, other things being equal, for a modern cargo ship, at sea in good working order, sailing head on at full speed into the side of a large tanker lying quietly at anchor. That is also suggested by the fact that Capt Motin did nothing, for a full minute after the collision, except for an instinctive pull on the main engine throttle lever to reduce engine power when he heard the sound of an engine overload. That inaction, I think, fits better the hypothesis that he had not known what was coming than it does the hypothesis that he was well aware, and readying himself for it, as he claimed.
6. After they had abandoned ship, Capt Motin described to his Chief Engineer what had happened in a way that appeared to indicate awareness only at the last moment, and he said not a word to any of his crew of having lost steering or having believed that he had lost steering. WhatsApp messages from his wife that afternoon, before he first spoke to the police, suggest to me that in his conversation with her he put the thought in her head that he had not seen the tanker, and again said nothing about having or thinking he had a steering problem.
7. Capt McJury, giving the perspective of an independent expert master mariner, took the view, in substance, that this collision was really only explicable by the proposition that Capt Motin either ignored an inevitable collision of which he was aware, or was somehow so distracted as to be unaware. That perspective is, I think, corroborated by the evidence

of a number of *Stena Immaculate* witnesses, indicating that they contemplated at the time the real possibility that the Bridge on the *Solong* was unmanned. It was agreed at trial that Capt Motin was in fact on his Bridge, but the contemporaneous perception of those *Stena Immaculate* mariners reinforces the idea that ignorance of the collision risk on Capt Motin's part is an inherently likely explanation for what happened.

8. Capt Motin's account, on the other hand, was extremely problematic. The starting point, and context, for that account was his claim that he identified the *Stena Immaculate* collision risk by C-30, at 8nm, that he was monitoring that risk and considering what to do about it using naked eye sight of *Stena Immaculate*, not just instruments, by C-12, c.3nm, and he decided to leave it until 1nm, C-4 or a little less, before changing course. That is already an improbable story. Careful visual monitoring from 3nm would have made it obvious that *Stena Immaculate* was anchored, and I consider it unlikely Capt Motin would then have left it until 1nm before manoeuvring. The merry dance on which he led the jury about possible daylight signals and whether he saw an anchor ball was, in my view, an exercise in inventive distraction.
9. Having, on that account, left it until 1nm, not necessarily an unsafe distance but a distance that left little in the way of contingency if he had any kind of problem, Capt Motin claimed to have tried but failed to engage manual steering. I consider that very unlikely indeed. This has nothing to do with Capt Vaduva's stickers, to which I shall return in a moment. It is, straightforwardly, top button autopilot, bottom button manual. It is not plausible that Capt Motin pushed the wrong one.
10. Next, having then, he said, attempted but failed to change course and received no response, supposedly even after attempting to order 40 degree rudder, Capt Motin looked at the autopilot heading control and concluded that autopilot was off because he did not see the tiny green light, even though he could not say to the jury that he saw that it was definitely off, and then he looked at the main autopilot and manual steering buttons, saw the top button lit up, mistook the robot head sticker for a smiley face and mistook that for manual steering. The stickers – robot head for autopilot, ship's wheel for manual steering – were put on by Capt Vaduva, because the lettering of the original labels was worn and faded, and because the pictograms seemed to him an improvement. Capt Vaduva was at the time alternating with Capt Motin as master of *Solong*, and my sure findings are that he made that change in December 2023, he showed and explained the stickers to Capt Motin in April 2024, Capt Motin understood them perfectly well and was not in any way

confused by them, and then he sailed with them without concern or difficulty between April and late July 2024, and again for the three months after he rejoined the ship in early December 2024.

11. Capt Motin's claim to have been confused was, in my view, a lie that unravelled when tested at trial. His credibility on this only got worse when initially, in evidence in chief, he refused even to agree the obvious truth that an orange-ish button was an illuminated button, which was the button that was on, and introduced instead the suggestion that the stickers themselves were coloured so as to be potentially confusing, and when he launched an argumentative attack on his Chief Officer and Second Officer for giving simple and accurate evidence that there was no smiley face or happy/unhappy emoji sticker in use on the Bridge.
12. Next, supposedly, Capt Motin alighted upon an issue that Mr Clouser had told him the *Samskip Express* had encountered, although neither the *Solong* nor any of the other sister ships had experienced it, and the circumstances in which it had occurred, as reported to him by Mr Clouser, were specific and quite different to those of the *Solong*. He remained fixated upon the idea that that was the difficulty, he said, even after he had tried the simple fix he had been told resolved it but it had not resolved. All of that I consider extremely implausible.
13. Finally, and if there was any credibility left in his account this is where it evaporated, Capt Motin was thus supposedly left 0.5nm from *Stena Immaculate*, a little under 2 minutes from a collision and, in his mind, without steering. Whether or not the 600m for a crash stop he gave the police in one interview answer was an error, I am quite sure that he believed 0.5nm was sufficient to complete a crash stop and that he would never have continued full ahead rather than giving that order via the main engine throttle lever. His evidence about statistics suggesting there should not be an explosion, about preferring to have, as he put it, a normal collision with a crude oil tanker, though he had no reason whatever to assume *Stena Immaculate* was carrying crude, and wanting not to kill the Americans by hitting the tanker's accommodation block, was frankly desperate stuff.
14. A crash stop would induce a 20 degree starboard heading alteration, and Capt Motin knew as much. But that just meant that if, unexpectedly, the crash stop did not avoid contact with *Stena Immaculate* altogether, it would cause *Solong* to arrive at very slow speed and at an angle, and in the meantime Capt Motin would have bought himself, and in all probability would have used, significantly increased time to arrival to raise the alarm on

his ship and warn the tanker. Capt Motin's conviction by the jury confirms that he was very seriously at fault in this case. But I find it very difficult to contemplate that he was so reckless as to choose a head-on collision at full speed, without warning to his crew or the other ship, over available, basic and obvious emergency measures.

15. I recognise the capacity for human error to occur, and the possibility that human error in the routine operation of familiar equipment or the implementation of familiar processes may be confusing or disorienting. That was adverted to in the expert evidence at trial, albeit the instructed experts were master mariners without specific expertise in behavioural science. Those recognised possibilities do not, in my judgment, render Capt Motin's account plausible.
16. None of those many points is proof on its own of what really happened. But taking all those points together, I consider it more likely that indeed Capt Motin failed to keep any proper lookout, probably from c.10:00 hrs ship's time (10 minutes before *Stena Immaculate* was first picked up by *Solong*'s radar), during and then after the 20-30 minutes the Chief Engineer and the Cook spent on the Bridge with him. That was a wholesale failure of his duty, for an extended period of time. It occurred when he should have had at the forefront of his mind the fact that he was approaching the outer anchorage area off the Humber coast with which he was familiar from previous transits and in which *Stena Immaculate* was in fact lying quietly at anchor. On that basis, I think it probable he never identified the collision risk. Rather, just as the Chief Engineer understood him to be saying immediately after the event and as, I think, he said to his wife, which explains her WhatsApp messages after he spoke to her, he never identified that *Stena Immaculate* was there, dead ahead on his path, until the moment of impact, or so close in time to that moment as makes no difference.
17. Having concluded that that is both more probably the true position on the facts and also the factual position that involves somewhat less culpability, relatively speaking, on the part of Capt Motin, in my judgment it is the proper factual basis to adopt for sentence.
18. For the purpose of sentence, I thus reject as less likely the account Capt Motin gave. I consider it to have been convoluted and highly implausible, and an account the upshot of which, if it had been true, was that he was so reckless about the safety of his crew and that of the tanker ahead that he chose to sail on at full speed into an inevitably devastating collision rather than engage crash stop, and failed to follow the first instinct of any trained

officer of the watch, which would have been to muster the crew by sounding the general alarm.

19. That simple act of sounding the alarm would in fact surely have saved AB Pernia. I do not reject Capt Motin's evidence that he did not know that AB Pernia was forward, at the bow, after the morning coffee break, so that, unknown also to Mr Pernia himself, he more than anyone else was in specific and extreme peril. But of course he or other members of the crew could well have been, just as some at least of the crew of the tanker could easily have been working on deck at or close enough to the point of impact to be in similar danger. So without doubt Capt Motin's extreme negligence in failing to keep watch properly as he approached that anchorage area created a serious and obvious risk of death.

**Mr Justice Andrew Baker / 5 February 2026**