

**THE HON. MR JUSTICE ANDREW BAKER**

**16XP0484225**

**AT THE CENTRAL CRIMINAL COURT**

**5 February 2026**

**R v Vladimir Motin – Sentencing Remarks**



**Mark Angelo Pernia  
23 Feb 1987 – 10 Mar 2025**

Mark Pernia died at his place of work on the morning of 10 March last year. That place of work was the container ship *Solong*. He died going about his duties as an Able Seaman on that ship, on a voyage from Grangemouth to Rotterdam under your command, Vladimir Motin, and because of your gross negligence. That was proved to the satisfaction of the jury, so that they were sure of it and convicted you on Monday of manslaughter, the unlawful killing of AB Pernia in a collision between the *Solong* and the *Stena Immaculate*, a tanker lying quietly at anchor with over 220,000 barrels of jet fuel on board as cargo.

It is now my task to sentence you for that offence. There has been no request for any pre-sentence report or other additional assessment, and I am satisfied that none is required.

The collision that killed AB Pernia occurred at 10:46:57 hrs ship's time on *Solong*. The ship was operating on Rotterdam time, so that was 09:46:57 hrs UK time. The evidence at trial included video footage of the collision: CCTV footage from the *Stena Immaculate*; footage from a thermal imaging camera on the *Ionic Aspis*, lying at anchor c.1.8nm WSW of *Stena Immaculate*. That video, with synchronised sound track lifted from the voyage data recorders on board the *Solong* and the *Stena Immaculate*, is vivid and dramatic. Mr Pernia, not visible on the footage,

was at the epicentre of the tragic event, at the bow of the *Solong* as it ploughed mercilessly into the port side of the tanker, causing an immediate and massive explosion and fire.

He was 38 years old when he died. He achieved Able Seaman certification in September 2016, an experienced and well regarded mariner. Witness statements from other members of the crew of the *Solong* taken after the collision speak fondly of him as a colleague and friend. In the picture of him we had in the trial evidence, he appears to me quietly confident, at ease, a man on whom one might depend. He leaves behind his wife, a daughter who was 5 years old when he died, and a baby daughter, now 7 months old; also, I am told, his parents who have lost a son and three siblings who have lost a brother. In common with so many mariners worldwide, Mr Pernia worked for long periods away at sea. Mrs Pernia was pregnant when her husband left to join the *Solong* in early December 2024. He should have returned to her 9 months or so later. Instead, he died without meeting his new baby, to whom Mrs Pernia gave birth not looking forward to her husband's return home, but as a widow. Mr Pernia's death was wholly avoidable, and the blame for it lies squarely at your hands, Capt Motin, to your great shame as master of the ship.

Any criminal sentence is intended to reflect the seriousness of the particular offence, which is a function of harm and culpability. An unlawful killing involves the gravest possible harm, a death, caused by criminal conduct. A final assessment has regard in addition to other damage caused by the criminal conduct or that foreseeably might have been caused.

No sentence can bring Mr Pernia back, or remove the great pain of grief over his loss for those who loved him. Mrs Pernia's moving words, read to the court today, can only give us a glimpse into the irreparable suffering caused, Capt Motin, by your gross negligence.

The other damage you caused, or might foreseeably have caused, was very extensive: huge damage in fact caused to both ships, with the loss and destruction of large quantities of cargo; and what could so easily have been the deaths of or serious injury to some of those on board *Stena Immaculate*, or other members of your crew on board *Solong*. That property damage and potential further loss of life or serious injury is not to be compared, for gravity, to Mr Pernia's death, but it is rightly counted as additional harm, increasing the seriousness of your offence.

What, then, of your culpability? I shall apply the Sentencing Council guideline for gross negligence manslaughter offences. Doing justice to this case does not require me to go outside that guideline. If any might wonder why the sentence passed today is not much longer than it is, it must be remembered that this was not an offence of intentional wrongdoing – it was

not deliberate, unlawful violence or anything similar to that - and that is reflected in the sentencing ranges in the guideline.

The guideline describes four categories of culpability - very high, high, medium, and lower culpability. Those are relative measures, since the offence always involves gross negligence, a very serious level of fault. On no view was your grossly negligent conduct just a lapse in an otherwise satisfactory standard of care, and nor is this case similar to the other descriptions of lower culpability in the guideline. This is a case of at least medium culpability, and a case of high culpability if, as the prosecution invited me to find, you showed a blatant disregard for a very high risk of death or that guideline description is the one that most closely resembles this case.

That meant there was an important point for me to judge on the facts. What really happened on your morning watch on 10 March 2025? Did you fail to keep a proper lookout, so that you were unaware of the impending calamity dead ahead of you until just about the moment of impact? Or did you attend properly enough to your basic lookout duties, but then act with incompetence in failing to navigate your ship safely, and with disregard for the lives of your crew and that of *Stena Immaculate* in failing to sound any alarm before you ploughed into the tanker, full ahead at 16kn? In my judgment, those were the possible explanations raised by the evidence at trial.

I gave a separate ruling on that earlier today. For the reasons given in that ruling, I preferred the view that this was a gross failure to identify the collision risk, and that is why you did nothing to avoid the collision, to the view that you were reckless about safety and ploughed on into collision, what is more doing so without raising any alarm. Therefore, in my view the case does fall short of a blatant disregard for a very high risk of death. It does not do so by a very large margin, though, and there was the extensive harm here, actual and foreseeable, that I have identified, over and above the very sad loss of Mr Pernia. I therefore regard this offence as an offence of medium culpability under the guideline, which was also the submission made on your behalf although on a different basis, but I consider it was an offence at the upper limit of that category, prior to considering mitigation. The sentencing guideline range is 3 to 7 years' custody, and if there were no mitigating circumstances the sentence would be 7 years.

There is some personal mitigation, however. You were previously of good character, you were well regarded by your crew and the shipowners for whom you have worked over the years, and it seems you had not previously had any significant incident at sea. That is all to your credit, but its weight is considerably reduced by a complacency and arrogance to which you

had fallen prey, such that you were knowingly flouting SOLAS, the International Convention for the Safety of Life at Sea, by routinely operating without any Bridge Navigational Watch Alarm System ('BNWAS'). You were, despite your generally fine record, a serious accident waiting to happen, even if it would be speculative to propose, and I certainly make no finding, that an activated BNWAS would have prevented the actual, tragic accident in which AB Pernia was unlawfully killed. It is said on your behalf today that you are remorseful. I saw no evidence of that at trial or from the pre-trial criminal investigation. I saw rather a somewhat combative and argumentative individual trying to argue his way out of a clear-cut case. On the other hand, I have now received and read the letter you have written to me for today's hearing. That letter does indicate some real remorse, and I take it into account on that basis. Your letter confirms, as counsel also said on your behalf, that you will not now return to sea, which has been your living for 40 years. Counsel also noted that as a Russian national with no reason to be in this country except now to serve your sentence, custody may be more isolating for you than the norm. I take those matters into account in your favour.

Before I now confirm and pass sentence, I deal with two ancillary matters. The first is that by law I am required to impose a statutory surcharge, and I do so, in the amount specified under the legislation. The second is that the prosecution asked me to order you to make a contribution towards their costs. The total claimed was £66,981. The relevant statutory power, under s.18 of the Prosecution of Offences Act 1985, is a power to make such order as to costs to be paid by you as I consider to be just and reasonable. Having heard and considered the arguments for and against making any order, in my judgment it is not just and reasonable to require you to make a costs payment. I am unable to say that you have the means to make any meaningful contribution, and I consider it unrealistic to suppose that you would in fact manage to do so, or that any enforcement would be possible, if an order was made.

Capt Motin, stand up. For the reasons I have now given, the sentence for the gross negligence manslaughter of AB Pernia is 6 years' imprisonment. Under current rules, you must serve two-thirds of that period in custody, that is 4 years, before becoming eligible for release on licence. While on licence, if you commit another offence or in some other way breach the terms of your licence, you could be recalled to serve up to the rest of the 6 year term imposed today, in addition to any punishment for that new offence or licence breach. You have now spent nearly 11 months in custody in these proceedings. That time on remand counts towards the time you must serve. The impact is that you can expect to become eligible for release on licence

in a little over 37 months from now. The exact period will be a matter for calculation by the prison authorities, it is not something I have to decide.

That is the sentence of the court: 6 years' imprisonment, plus the statutory surcharge.

Please take Capt Motin down. Thank you.

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