

ENGLAND AND WALES / JUDGMENT

R v Derek Johnson

Source: caselaw.nationalarchives.gov.uk · Research copy typeset by Esheria. Not court-issued or certified.

WARNING: reporting restrictions may apply to the contents transcribed in this document, particularly if the case concerned a sexual offence or involved a child. Reporting restrictions prohibit the publication of the applicable information to the public or any section of the public, in writing, in a broadcast or by means of the internet, including social media. Anyone who receives a copy of this transcript is responsible in law for making sure that applicable restrictions are not breached. A person who breaches a reporting restriction is liable to a fine and/or imprisonment. For guidance on whether reporting restrictions apply, and to what information, ask at the court office or take legal advice. This Transcript is Crown Copyright. It may not be reproduced in whole or in part other than in accordance with relevant licence or with the express consent of the Authority. All rights are reserved. Neutral Citation No. [2026] EWCA Crim 549 IN THE COURT OF APPEAL CRIMINAL DIVISION ON APPEAL FROM THE CROWN COURT AT GLOUCESTER (HIS HONOUR JUDGE LOWE) [T202507003] Royal Courts of Justice The Strand London WC2A 2LL Case No 2025/04605/A4 Friday 17 April 2026 B e f o r e: LORD JUSTICE DINGEMANS (Senior President of Tribunals) MR JUSTICE SOOLE THE RECORDER OF THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA (His Honour Judge Edmunds KC (Sitting as a Judge of the Court of Appeal Criminal Division))

ATTORNEY GENERAL'S REFERENCE UNDER SECTION 36 OF THE CRIMINAL JUSTICE ACT 1988)

R E X

- v - DEREK JOHNSON

Computer Aided Transcription of Epiq Europe Ltd, Lower Ground Floor, 46 Chancery Lane, London WC2A 1JE Tel No: 020 7404 1400; Email: rcj@epiqglobal.co.uk (Official Shorthand Writers to the Court) Mr N Hearn appeared on behalf of the Attorney General Miss S Jenkins appeared on behalf of the Respondent

J U D G M E N T (Approved)

Lord Justice Dingemans, Senior President of Tribunals:

1. This is an application by His Majesty's Solicitor General, under section 36 of the Criminal Justice Act 1988, for leave to refer to this court a sentence which she considers to be unduly lenient. We grant leave.
2. The Respondent is Derek Johnson, who is now 59 years of age. Before the offending which is the subject of this application, he was of previous good character and he had worked in IT. He had married and divorced, before embarking on a long-term, 18 year relationship which ended in separation in 2018.
3. On 24 November 2025, in the Crown Court at Gloucester, Mr Johnson was sentenced to an overall sentence of 15 years' imprisonment with an extended licence period of 5 years, consisting of five years' imprisonment on counts 15, 16, 17 and 18 concurrent with each other, with five years' imprisonment on counts 10, 11, 12 and 13 concurrent with each other but consecutive to the sentence on counts 15, 16, 17 and 18, with a consecutive extended sentence of imprisonment of ten years, pursuant to section 279 of the Sentencing Act 2020, comprising a custodial sentence of five years and an extended licence period of five years on count 1, with concurrent similar sentence on counts 2 to 8. The offending was against three separate female children. A Sexual Harm Prevention Order was also imposed.
4. The victims have the benefit of lifelong anonymity, pursuant to the provisions of the Sexual Offences (Amendment) Act 1992. We will refer to them as "A", "B" and "C".
5. At a slip rule hearing on 4 December 2025, an amendment was made to an ancillary order. The offending against A, who was aged between 14 and 17 years at the time, were eight counts of sexual activity with a child, contrary to section 9(1) of the Sexual Offences Act 2003 (counts 1 – 8). One count was a multiple incident count. Accordingly, there were 12 separate offences, of which six were video recorded. The offending against B were two counts of causing or inciting a child to engage in sexual activity, contrary to section 9(1) of the Sexual Offences Act 2003 (counts 10 and 11), and two counts of sexual activity with a child (counts 12 and 13). One count was a multiple incident count. Accordingly, there were six separate instances of offending. The offending against C were four counts of sexual activity with a child (counts 15, 16, 17 and 18).
6. All of the offences were agreed to be category 1A offences for the purposes of the offence specific guideline for sexual activity with a child, or causing or inciting a child to engage in sexual activity, apart from count 15, which was agreed to be a category 2A offence. The starting point for a category 1A offence was five years' imprisonment, with a range of four to ten years. 7. It is submitted by Mr Hearn on behalf of the Solicitor General that the judge did not reflect the number of offences committed against the three separate victims in the overall sentence that he imposed; that while it was appropriate to impose consecutive sentences for each victim, each consecutive sentence should have been higher to reflect the

other offences against the same victims, which were properly made concurrent. 8. It is submitted by Miss Jenkins, on behalf of Mr Johnson, that the judge's approach to the sentencing was correct. He had taken account of the principle of totality. The judge had wrongly discounted Mr Johnson's remorse, and there was no need to increase the sentences suggested as being appropriate by the Solicitor General. The sentence imposed was therefore not unduly lenient. It was also submitted that if there was an increase, the court should consider for itself whether or not an extended licence was still appropriate.

9. We are very grateful to both Mr Hearn and Miss Jenkins for their helpful submissions. The offences against A
10. The offences were committed from February 2020 to August 2023. Mr Johnson met A online when she was 14 years old. He communicated with her on an encrypted messaging app. He requested that A complete "chores" such as brushing her teeth and he then began to demand nude images. He tracked A's compliance with his requests using a points-based family chores app. If A did not do as requested, Mr Johnson would "punish" her by ordering her to hit herself with a hairbrush or by threatening to block her.
11. On 20 August 2022, Mr Johnson collected A in his car and took her to a hotel, where he penetrated her vagina with his penis (count 1). He met A numerous times in August 2022 and engaged in sexual acts, including penile penetration of her vagina, her anus and her mouth (counts 2 – 8).
12. Mr Johnson used ropes and knives during sexual activity with A, and he hit her with a wooden paddle if she displeased him.
13. Mr Johnson detailed the abuse in calendar entries which were recovered when the police searched his property. The police also recovered indecent video recordings and images relating to A from his devices. There were 11 category A indecent images and videos; one category B indecent video; and 14 category C indecent images and videos. In one of the video recordings Mr Johnson said to camera, "Look at me, I'm fucking a child".
14. The meetings continued until A was 17 years old, when she disclosed the abuse to her mental health support worker and to her mother who reported the abuse to the police.
15. On 13 February 2025, Mr Johnson was arrested for the offences against A. It was during the investigations that followed that the offences against B and C were discovered.
16. Mr Johnson was released on police bail pending investigations. He then breached his bail and fled to the Republic of Ireland. He sent threatening messages to A sometime in March 2025. He was extradited back to the UK, having consented to his extradition before the High Court in Dublin. The offences against B
17. Mr Johnson met B online when she was 13 years old. He communicated with her on Telegram. Again, he demanded that she obey "rules" that he set regarding bedtimes and showering.

18. Between December 2020 and August 2021, he demanded that B send him videos of herself performing sexual acts. B sent indecent videos of herself on at least three occasions (counts 10 and 11, causing or inciting a child to engage in sexual activity).
19. At some point between April and May 2021, Mr Johnson collected B in his car and drove her to Dartmoor where, in a tent, he penetrated her vagina and her mouth with his penis (counts 12 and 13).
20. B was identified by the police after the indecent images of her and diary entries relating to her were recovered from Mr Johnson's devices after his arrest for the offences against A. The indecent images and videos of B comprised: 42 category A indecent images and videos; three category B indecent videos; and two category C indecent images and videos. The offences against C
21. Mr Johnson met C online when she was 15 years old. Mr Johnson collected her in his car and engaged in sexual acts with her. These were: on 18 February 2020, he touched her vagina (count 15); on 10 March 2020, he penetrated her mouth with his penis (count 16); on 16 March 2020, he penetrated her anus with his finger (count 17); and on 26 March 2020, he penetrated her mouth with his penis (count 18).
22. Calendar entries detailing Mr Johnson's abuse of C were found on his devices. The police also recovered six category A indecent videos of C. The Sentencing Exercise
23. After his extradition and appearance at the Magistrates' Court, the matter was listed for a plea and trial preparation hearing at Gloucester Crown Court on 15 July 2025. Mr Johnson did not enter a plea, but the defence indicated that guilty pleas would likely follow.
24. On 5 September 2025, Mr Johnson pleaded guilty to all counts on the indictment, save for counts 9 and 14, which were ordered to lie on the file on the usual terms. It was agreed that 25 per cent credit would be preserved for the guilty pleas tendered at that stage.
25. At the sentencing hearing the judge was provided with a pre-sentence report in which the author said that Mr Johnson described himself as feeling extremely ashamed and embarrassed by his conduct. However, the author considered that the comments about the impact of his offending on the victims appeared to be superficial. Miss Jenkins submitted that that was not entirely fair, because Mr Johnson had not undertaken any offending work at that stage. However, in our judgment those were conclusions which were open to the author of the report in circumstances where Mr Johnson had fled the jurisdiction, had to be extradited back to the jurisdiction, and had at one stage made threats against one of the victims. Mr Johnson was assessed as posing a high risk of serious harm to female children aged 13 years and above.
26. The sentencing judge was provided with a letter from Mr Johnson in which he apologised for the hurt and distress caused to so many people.

27. It was common ground that there were numerous category A factors: a significant degree of planning; grooming; sexual images recorded and retained; and the specific targeting of vulnerable children. Other aggravating factors included: severe psychological harm to the victims who felt degraded and began to self-harm; ejaculation; degrading acts; and the lengthy period of the overall offending.
28. The mitigation available to Mr Johnson was his previous good character, although, as the judge rightly pointed out, that was limited in cases of this sort. Prior to his arrest, Mr Johnson had been caring for his ill father who had subsequently died during his imprisonment and Mr Johnson was unable to attend the funeral. Mr Johnson's brothers were also unwell.
29. The judge imposed a sentence of five years' imprisonment for the offending against each separate victim, and ordered the other sentences on each count to run concurrently. He did not explain how he chose the custodial term of five years for each victim. As noted above the overall sentence was one of 15 years' imprisonment, with a five year extended licence.
Events following the Sentencing
30. We have been provided with a prison report by way of email which indicates that Mr Johnson is now an enhanced prisoner who has achieved five positive entries for helping others. Offending work has not yet started because he will need to be transferred to another prison in order to undertake such work. The Applicable Principles and guidelines
31. The principles applicable to References by the Attorney General can, so far as is material to this Reference, be summarised as follows. First, the judge at first instance is particularly well placed to assess the weight to be given to competing factors when considering the sentence to impose. Second, a sentence is only unduly lenient where it falls outside the range of sentences which the judge at first instance might reasonably consider appropriate. Third, leave to refer a sentence should not be granted in borderline cases. Fourth, section 36 of the 1988 Act is designed to deal with cases where a judge has fallen into gross error. Fifth, as was pointed out in Attorney General's Reference (No 4 of 1989) [1990] 1 WLR 41, [1990] 90 Cr App R 366, at page 371, even where it considers that a sentence was unduly lenient, this court has a discretion as to whether to exercise its powers.
32. The overarching guideline on totality provides, so far as is material, that when sentencing for more than one offence the principle of totality is that the overall sentence should reflect all of the offending behaviour with reference to overall harm and culpability, together with the aggravating and mitigating factors relating to the offence and those personal to Mr Johnson, and be just and proportionate. Discussion
33. This was a difficult sentencing exercise because of the number of offences and the three separate victims. Further, it is apparent from the transcript of the prosecution opening of facts that there were pressures of time on the court caused by another long case which had been listed and which resolved late in the day.

34. That said, it is difficult to work out exactly how the judge calculated the overall sentence because in his sentencing remarks he did not share his reasoning for each individual sentence. It is possible to work out that the final sentence of five years (60 months) must have equated to a sentence of 80 months (six years and eight months) for each victim after trial, to take account of all the offences against each victim and the aggravating and mitigating factors, before the discount allowed for the guilty plea. As already indicated, there were 12 separate offences against A, six against B and four against C.
35. We understood why the judge imposed the same custodial term for the offending against each victim, because each had suffered serious harm after being exploited by Mr Johnson. There were serious aggravating factors in respect of each offence, which we have set out above, and the mitigation was limited.
36. We consider that for a single offence against each victim, with the category A aggravating factors and the limited mitigation, a sentence of seven years' imprisonment would be merited, before discount of 25 per cent for the guilty plea, which gives five years and three months (63 months). But that is for one offence. An upward adjustment needed to be made for the number of offences against each victim. In our judgment, a proportionate uplift would have been to take the sentence back to seven years and six months to reflect all of the offences against each separate victim. Obviously, there would be one lead offence, with all the other sentences for offending against that victim being concurrent.
37. The sentences for the offending against each separate victim had to be consecutive, but it is clear that issues of totality arise again in respect of adding the sentences for each victim together, for which some adjustment must be made. We consider that a reduction of one year in relation to the consecutive sentences for each victim would be just and proportionate to the offending as a whole.
38. Accordingly, the overall result is that, instead of the sentence of five years' imprisonment in respect of each victim, giving an overall sentence of 15 years' imprisonment, the lowest overall sentence that we consider could have been imposed, consistent with the seriousness of the offending, was one of six years and six months' imprisonment in relation to each separate victim. That would give an overall sentence of 19 years and six months' imprisonment.
39. We understand the submission made by Miss Jenkins, on behalf of Mr Johnson, that as the custodial sentence has now increased, we should therefore consider for ourselves whether or not an extended licence period is still appropriate. However, in our judgment Mr Johnson was rightly found by the judge to be dangerous, in that he posed a significant risk of causing serious harm to potential future victims. Accordingly, the extended licence period is still required for the protection of the public.
40. In these circumstances we do consider that the sentence imposed by the judge was not just lenient but was unduly lenient. Having granted leave to make the reference, we will increase the sentence on all counts from five years to six years and six months' imprisonment, which

will continue to run concurrently and consecutively as before. That means that the overall sentence of imprisonment is 19 years 6 months imprisonment with an extension period of 5 years. The extended sentence of imprisonment comprising six and a half years' custody, with an extended licence period of five years, will remain on count 1. The sentence on count 1 is to be served last. All other ancillary orders remain as before.

Epiq Europe Ltd hereby certify that the above is an accurate and complete record of the proceedings or part thereof. Lower Ground Floor, 46 Chancery Lane, London WC2A 1JE Tel No: 020 7404 1400 Email: rcj@epiqglobal.co.uk

12

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://caselaw.nationalarchives.gov.uk/ewca/crim/2026/549>

CASE PAGE <https://chat.esheria.ai/case-law/england-and-wales/r-v-derek-johnson-2026>

Prepared on 25 October 2026 · Esheria