

ENGLAND AND WALES / JUDGMENT

R v Tommy Lee Taylor

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[2026] EWCA Crim 496 B e f o r e: LORD JUSTICE HOLGATE and THE RECORDER OF NORWICH
(Her Honour Judge Alice Robinson) (Sitting as a Judge of the Cout of Appeal Criminal Division)

R EX

- v – TOMMY LEE TAYLOR

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London WC2A 1JE Tel No: 020 7404 1400; Email: rcj@epiqglobal.co.uk (Official Shorthand Writers
to the Court)

Mr T Dunn appeared on behalf of the Appellant

J U D G M E N T

Wednesday 1 April 2026 LORD JUSTICE HOLGATE:

1. On 28 March 2025, in the Crown Court at Woolwich, the appellant (then aged 21) pleaded guilty to two offences of doing an act tending and intended to pervert the course of justice (counts 2 and 5). On 13 June 2025, he pleaded guilty to one offence of encouraging or assisting the commission of an offence, believing it would be committed, contrary to section 45 of the Serious Crime Act 2007 (count 7).
2. On 23 January 2026, the appellant was sentenced by Mr Recorder Haythorne to an overall term of 15 months' imprisonment, comprising a sentence of 15 months on count 2, and concurrent terms of four months and 12 months respectively on counts 5 and 7. The appellant now appeals against sentence with the leave of the single judge.
3. At the time of the offences the appellant and the co-accused, Jessica Curtis, were in a relationship. Count 7 4. On 2 April 2022, Curtis contacted Kent Police to report that she had received threatening messages from her former partner, Chelsea Ewens, through Instagram handles which incorporated her name. As a result, the police arrested Ms Ewens on 8 April 2022. Ms Ewens denied the allegations and said that she did not know anything about any of the handles said to have been used to send the messages. The police seized her electronic devices.
5. Curtis called the police again on 26 April 2022 to report that Chelsea Ewens had sent her further messages over Instagram. She called the police on 27 April and reported that Chelsea Ewens was sending her messages through Snapchat. She provided a screenshot of what she said were messages sent on 27 April. Ms Ewens was arrested again on 3 May 2022 and she again denied the allegations.
6. As a result of what Ms Ewens told them, the police made further enquiries as to where the messages had come from. They found out that the IP address where the Instagram account "Chelsea6487" had been created on 2 April 2022 was linked to the home address of Curtis and the appellant in Byron Road, Dartford. The messages had not been generated by Chelsea Ewens.
7. As a result of the false allegations made against her, Ms Ewens spent over ten hours in police custody. The appellant had typed false messages in the name of Chelsea Ewens making threats against Curtis which were capable of encouraging or assisting an offence by Curtis of perverting the course of justice and having Chelsea Ewens wrongly arrested. Count 2
8. On 29 March 2022 the appellant called Kent Police and said that both he and Curtis had been assaulted in Hesketh Park, Dartford by Curtis' former partner, Stephen McNicol. The appellant said that Mr McNicol had knocked him to the ground before then punching Curtis to the head. He said that they had both lost consciousness as a result of this assault. He provided a written statement with a declaration of truth in support of his complaint. On 25 May 2022, Curtis called the police to report that she had been assaulted by Mr McNicol. The

appellant provided a statement in support of that complaint.

9. Mr McNicol was a vulnerable adult who resided in supported living accommodation where care workers were on duty 24 hours a day to assist with everyday living. Fortunately, the care workers kept a log of the movements and activities of the residents. The police obtained those logs for the relevant dates and found that Mr McNicol had not left the care home on either of those days. However, before that check was made, he was arrested and interviewed in connection with the allegations and spent a total of 15 hours in police custody. Count 5
10. On 3 May 2022, the appellant reported to police that Curtis was in urgent need of medical assistance following what he said was a suicide incident on her part. Police enquiries revealed this to be false.
11. The appellant was arrested on 18 July 2022. Initially he made no comment, but later he said that he had made no comment because he did not want to get Curtis into trouble. He admitted that he had created a Snapchat account at the request of Curtis. He said that whenever Curtis asked him to do something, it was easier to go along with it as she would argue with him if he did not. That included making false allegations about her former partners. Curtis wanted Chelsea Ewens to be arrested owing to previous issues between them. The appellant said that Curtis asked him to make a social media account, telling him what to message her, with the result of Curtis calling the police and reporting Miss Ewens. He said that the incident on 29 March did not occur. They both went to Hesketh Park and Curtis told him to call the police and tell them that they had been punched and kicked to the ground. The incident on 25 May did not occur, and again Curtis had asked him to call the police and to tell a lie.
12. The appellant relied upon a written basis of plea dated 23 May 2025, which was accepted by the prosecution. No Newton hearing took place. In summary, the basis of plea stated that the appellant had turned 19 during the course of the offending. He was about 18 months younger than Curtis. Their relationship had begun well but had deteriorated. The appellant said that he had been immature and had made bad choices. Curtis was pregnant with their child at the time and he wanted to be a father in the family unit. In part, he tried to do this by doing what Curtis wanted, which included the conduct to which he had pleaded guilty.
13. The appellant was aged 22 at sentence. He had one conviction for two offences in 2004, when he was fined for assault aggravated by domestic abuse.
14. In her pre-sentence report the probation officer said that although the appellant took the view that he was coerced by Curtis into complying with her wishes, in her opinion he had not yet accepted full responsibility for his own behaviour. He was a willing participant in the offences and had created false social media accounts. The appellant disclosed that he had been arrested for domestic abuse between Curtis and himself, which suggested that his offending behaviour had continued to escalate.

15. The appellant presented as an immature young man which could be linked to his offending behaviour, but sometimes his responses appeared rehearsed, as if he was saying what he thought would be regarded as the correct response. He minimised his role.
16. The author of the report assessed the appellant as posing a medium risk of serious recidivism and of causing physical and emotional harm to the victims in this case, partners and other members of the public. The author assessed the appellant as being suitable for an activity requirement, unpaid work, and a prohibited activity requirement for 12 months.
17. In his sentencing remarks the judge said that count 2 fell within category B1 of the sentencing guideline, but was aggravated by the vulnerability of the victim. Count 5 had no underlying offence and fell within category C2. Count 7 also fell within category B1. No upwards adjustments were required for counts 5 and 7, but the main mitigation for all three counts was the appellant's immaturity.
18. Applying the principle of totality, the judge treated count 2 as the lead offence, aggravated by concurrent sentences on the other counts. On that basis he arrived at sentences of 20 months, 6 months and 16 months' imprisonment for counts 2, 5 and 7 respectively, before credit for the guilty pleas. After applying that credit, the judge passed the sentences to which we have already referred.
19. The judge then considered the issue of whether the sentences should be suspended by reference to the relevant guideline. He recognised that there were some factors pointing towards suspension; but he considered that they were outweighed by the seriousness of the offending, which meant that appropriate punishment could only be achieved by a sentence of immediate custody. The offending, he said, had involved malicious lies calculated to harm others.
20. We are most grateful to Mr Tom Dunn for his excellent written and oral submissions. If we may say so, they were well judged.
21. He does not challenge the judge's conclusion that the custody threshold was crossed, as it plainly was. Nor does he challenge the overall length of the custodial term imposed, namely 15 months. Instead, he contends that the judge erred by not having passed a suspended sentence order. In particular, he submits that the judge gave insufficient weight to the following matters: first, the appellant's age at the time of offending; second, the dynamic as between the appellant and the co-defendant Curtis; third, the delay by the police and prosecuting authorities in bringing charges, which amounted to three years; fourth, the appellant's lack of antecedent history at the time of this particular offending; fifth, the very limited criminal offending since then; sixth, his strong personal mitigation; seventh, the appellant's relatively limited risk, as set out in the pre-sentence report; and last, the appellant's solid prospects of rehabilitation. Discussion

22. Plainly, on any view, the appellant has not identified any error of principle as such on the part of the judge. He applied the relevant guideline dealing with suspension of prison sentences. We see no error of principle.
23. In such circumstances it would be unusual for this court to interfere with a sentencing judge's assessment of the application of that guideline. In fact, Mr Dunn said that the appellant's complaint is that the judge gave insufficient weight to the factors he listed, not that he failed to take them or any of them into account.
24. In our judgment those were matters of judgment for the judge when striking the balance between factors pointing either for or against suspension of imprisonment. That is a judgment with which this court will not normally interfere unless the judge came to a conclusion to which no reasonable judge could have come on the material before the court.
25. Here the judge was faced with three offences, two of which were more serious matters for the reasons which he gave. The overall notional sentence of 20 months' imprisonment after a trial amply took into account all the mitigation which was available to the appellant. The starting point for counts 2 and 7, viewed in isolation and before making any adjustments, was two years' imprisonment for each offence.
26. Offences of this nature, which result in police investigation and detention of innocent persons, are so serious that often only immediate custody will suffice as punishment. Here, the offending involved multiple actions. It took place over a period of four months and resulted in two people being detained by the police for a total of about 25 hours.
27. In his sentencing remarks, the judge did not refer to each and every factor individually, but he plainly struck an overall balance which weighed, on the one hand, the points telling in favour of suspension and, on the other, the seriousness of the three offences. In our judgment, it cannot be said that the judge was not entitled to impose the sentence of immediate custody. Indeed, the factors supporting suspension were clearly outweighed by the factors against suspension.
28. Accordingly, for these reasons the appeal against sentence must be dismissed. But again, we would like to express our gratitude to Mr Dunn. The appellant's case could not have been put better.

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