

236.11 *Multiple deaths* Cases

R v Kroker 2017 EWCA Crim 2472 D pleaded at the first available opportunity to four counts of causing death by driving and one count of causing serious injury by driving. D was a lorry driver. Just before starting a journey, he signed a declaration saying that he would not use a mobile when driving. D was travelling on a dual carriageway at 50 mph in a 60 mph area. He passed signs warning him of slow-moving traffic. A dashboard camera pictured him scrolling through his music on his phone. He did not see the slow-moving traffic in time. P saw that the lorry could not stop in time and tried to move his car to the verge. However, his car was hit and flipped upside down. P suffered life-threatening injuries, including a collapsed lung, a torn aorta and a broken back. D's lorry then hit a van, injuring two occupants. The van hit a car with a trailer, driven by G, which had two occupants. That car hit a Vauxhall Corsa, which was pushed under a lorry. All four occupants of the Corsa, a mother, her two sons and the daughter of her partner, G, died instantly. The lorry was pushed forward into a Renault. D said his brakes had failed. He was arrested and made no comment in interview. In the next interview he was shown the film and admitted he was playing on his phone. Experts said, a) the slow-moving traffic could be seen for about 45 seconds, and b) D did not apply the brake until he looked up at the final moment. D was aged 30, with a good character and a clean licence. He attempted to offer assistance and had remorse. The Judge, a High Court judge, made the offence Level 1, because of the number of deaths. She said the starting point was listed as 8 years but she was not going to adopt it. Because of the deaths she started at 12 years and with the plea reduced that to 8 years and then added two years for the aggravating factors, making 10. Held. The accident had a truly devastating impact. The sentencing approach was entirely [wrong]. We start at 8 years and with the aggravating factors move to 14 years. We deduct 1 year for the mitigation. We must pass concurrent sentences. Using the guideline then in force, as the evidence was overwhelming, we give about 20% for the plea making **10 years** as before.

236.23 *Disqualification for how long? 5+ years*

Att-Gen's Ref 2018 Re Collins 2018 EWCA Crim 113 LCJ D pleaded to causing death by dangerous driving and causing death whilst uninsured. Many years ago, he had a provisional licence but he had never had a driving licence. One evening, a fellow worker allowed D to drive his van home. The weather conditions were poor. During the journey, D received a call on his mobile from his partner, which made him agitated. The mobile was not hands-free. Shortly before a zebra crossing where the visibility and lighting were poor, D tried to adjust a [door] mirror. At the crossing, D swerved, mounted the pavement and hit V, a pedestrian, aged 66. His speed was 18-21 mph on impact. D did not brake and V was caught under the van and dragged along the road. D had not seen another car, travelling in the opposite direction, stop at the crossing. He did not stop for 35 metres. V was found in front of a rear tyre. Bystanders came to help V and D drove off. D contacted his partner and a recording of the call indicated he did not know that V was under the van when he didn't stop. He later handed himself into the police. D was aged 35. In 2002 and 2003, D was convicted of drink/drive. For the second offence he received 12 weeks' custody. Some time before the tragedy he had had an accident with a firm's van. D was a devoted father and one of his children has a serious medical condition requiring repeated surgery. The Judge found D had panicked after the initial impact. Held. The causes of the tragedy were D's failure to look where he was going and his failure to see V walk onto the crossing. 4 years 2 months' custody was not unduly lenient. 5 years' disqualification, not 2.