

233.5 Alcohol/drugs, Driving under the influence of

R v Sweeney 2018 EWCA Crim 1410 D pleaded to dangerous driving and driving with cannabis over the limit. At 12.05 am, D drove off in an Audi A3 at speed. In a 20-mph limit, he drove at 40-45 mph. A police car chased him and he went passed a 'No Entry sign', mounted a pavement, went through a red light and lost control of his car. The car hit a kerb and was damaged. D ran off. In interview he claimed he felt threatened and had panicked. D was aged 30 with a conviction for driving without a licence or insurance and a number of drug-related convictions. In 2013, D had been seriously assaulted in his vehicle and suffered post-traumatic stress disorder as a result. His cannabis reading was 10 µg (legal limit 2 µg). The Judge said D had driven at an extremely dangerous speed. He found high culpability and high risk of harm. Held. Although the driving was bad and aggravated by cannabis, it was short lived. **8 months**, not 12, for the driving and 2 months, not 6, for the cannabis offence. The sentences remain concurrent.

233.8 Disqualification for how long? More than 3 years appropriate

R v Goode 2017 EWCA Crim 2432 D pleaded to section 18, kidnapping, threats to kill and dangerous driving. He was sentenced to 10 years' YOI in all. D was disqualified for driving for 10 years. There was a year on remand, and for the disqualification a need for a minimum term and an extended term. The defence said D was young (aged 19 when he committed the offences), there were prospects of rehabilitation, the YOI term was lengthy, the dangerous driving, although serious, was short, and D had no adverse driving history. Held. We take into account the year on remand. We substitute 1 year for the mandatory term, 6 months for the extended term under section 35A with a 5½-year uplift.

233.9 Driving at people

R v Duah 2018 EWCA Crim 2239 D was convicted of dangerous driving having been acquitted of causing serious injury by dangerous driving. In the early hours of the morning, J contacted D in distress and told him that he was being threatened by V. V had said that J owed him money. D drove into Manchester city centre to collect his brother, J. When D arrived, J got into the car but V stood in front of the vehicle preventing them from leaving. D moved the car forward slightly a number of times. V stepped backwards as the car moved forwards, but having no time to get out of the way and in a state of unbalance, jumped up onto the bonnet and then the roof of the car. D drove a short way down the street swerving twice to shake V off and on the second swerve V was thrown from the car and landed in the road. D drove away and reported the incident 16 hours later. V was taken to hospital and was shown to have sustained a swelling on the brain, lacerations to the back of the head which required stitches, a laceration under his eye and a fractured leg. V was in hospital for a week and was discharged with "no ongoing cognitive deficits". Subsequently V has complained of ongoing problems with his memory, a sensory loss of smell and taste and being unable to stand for long periods. He needed crutches for 2 months. D was aged 23 at the time of sentence. He had previously been fined for drink/drive and using a vehicle whilst uninsured. The Judge recognised that the driving was over a relatively short period of time but described it as a calculated and appalling piece of deliberate dangerous driving. He accepted that D had not intended to cause the injuries that V sustained but said the offence was aggravated by the fact that D did not stop and the delay in reporting the matter to the police. Held. The Judge was wrong to sentence D for causing serious injury. **10 months** not 14.

233.12 *Police chases*

R v Higgins 2017 EWCA Crim 1885 D pleaded to dangerous driving, no insurance and driving without a licence. There was no penalty for the last two offences. D was seen by police speeding in a residential street, shortly after midnight. He had a passenger in his car. Two police cars followed D. During the pursuit, police learnt that the car was not insured. D drove at 50 mph through a 30 mph zone and failed to stop when ordered to do so. Instead D sped up to 60 mph, drove on the wrong side of the road, went the wrong way round a roundabout and through a red light. D lost control of the vehicle and drove into the central reservation area of a dual carriageway. The police rammed the car. D was aged 23 and had some previous convictions for non-driving matters. He had no licence but had 6 points for driving without a licence. The Judge found little mitigation other than the absence of relevant previous convictions. Held. Because of the plea, D's age and his lack of relevant convictions, **12 months**, not 15.

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See also: *R v Aldhain* 2018 EWCA Crim 1359 (D pleaded to dangerous driving, driving whilst disqualified (both with 25% plea credit) and other offences. After a collision, a police officer indicated that D must stop his car. D drove off at speeds of up to 64 mph in a residential area and through red lights. There were some near misses and the driving lasted a few minutes. The Judge said the driving was not the worst he had seen but because D was drunk, he would start at the maximum. The Judge also referred to D's appalling record. With plea, D received 18 months for the driving and 4 months' consecutive for the driving whilst disqualified. Held. The Judge was entitled to start at the maximum and pass those sentences.)

233.15 *Speeding*

R v Sweeney 2018 EWCA Crim 1410 D pleaded to dangerous driving and driving with cannabis over the limit. At 12.05 am, D drove off in an Audi A3 at speed. In a 20-mph limit, he drove at 40-45 mph. A police car chased him and he went passed a 'No Entry sign', mounted a pavement, went through a red light and lost control of his car. The car hit a kerb and was damaged. D ran off. In interview he claimed he felt threatened and had panicked. D was aged 30 with a conviction for driving without a licence or insurance and a number of drug-related convictions. In 2013, D had been seriously assaulted in his vehicle and suffered post-traumatic stress disorder as a result. His cannabis reading was 10 µg (legal limit 2 µg). The Judge said D had driven at an extremely dangerous speed. He found high culpability and high risk of harm. Held. Although the driving was bad and aggravated by cannabis, it was short lived. **8 months**, not 12, for the driving and 2 months, not 6, for the cannabis offence. The sentences remain concurrent.