

**237.14a** *Pretending not to be the driver at the scene*

*R v Knox-Hooke* 2019 EWCA Crim 1348 D pleaded to an offence of causing death by dangerous driving. V, aged 63, was crossing a one-way street late at night. It appeared to be safe to cross because the direction of traffic was from his left and the road was clear. D was sitting in a car waiting behind another car at a junction at the end of the road to V's right. As V crossed the road, D unexpectedly reversed his vehicle the wrong way in the one-way street. It struck V who fell and hit his head. CCTV footage showed that D continued to reverse for about 20 metres and then stopped, possibly because another car was approaching from behind. D then accelerated past V who was lying at the side of the road and witnesses heard a screech as D quickly turned left without indicating. A few minutes later D returned to the scene on foot with another man. Police and paramedics were in attendance and D hung around but never spoke to anyone to indicate his involvement. V died from his injuries three days later. D later claimed that he thought he had hit a bollard and, even when returning to the area, D claimed he still had no inkling that he was responsible for the injury to V. D was aged 30 and had one relevant conviction for driving whilst using a mobile telephone. The Judge placed the offence at the upper level of Level 2 in the relevant guideline and started at 6 years. She moved up to 8 years because of the aggravating features of D's failure to stop and then returning to the scene without admitting his involvement. The Judge noted D's genuine remorse at the sentencing trial but felt that this was undermined by D's continual refusal to acknowledge that he had been aware that he had hit V. She gave a 25% discount for the plea. Held. There is a limit to the extent to which it is appropriate to punish someone who commits a driving offence for conduct which, however reprehensible, is not an aspect of the offender's dangerous driving or part of the offence itself. In our view, the very substantial uplift which the Judge made to the sentence to account for D's conduct after the offence was not justified. **4 1/2 years** not 6.