

235.6 *Alcohol, Driving under the influence of*

R v Ward 2013 EWCA Crim 2667, 2014 1 Cr App R (S) 74 (p 466) D pleaded to dangerous driving and other matters (short consecutive sentences). After drinking on Saturday night, D drove to a shop the following morning with V1, aged 15 and V2, his partner. D was staggering and obviously drunk in the shop at around 9.20 am. On the drive home, D drove very fast. V1 and V2 repeatedly asked him to slow down. D lost control of the vehicle on a bend and mounted a pavement, rolling over onto a grass verge. A bus driver estimated the speed at 60 mph. V1 suffered a broken collarbone and D suffered a punctured lung. A back calculation concluded D's blood alcohol level would have been approximately 206 mg at the time of the accident. D had two convictions for five offences, none of which were driving offences. Held. This was a very serious case of dangerous driving. D and V1 were injured, V2 quite seriously. It was fortunate that they did not suffer more serious injury. The Judge was correct to take a starting point of the maximum sentence. **21 months** upheld.

235.7 *Disqualification for how long? Judicial guidance*

R v Shipley 2014 EWCA Crim 1572 D pleaded to dangerous driving and appealed against the length of disqualification. Held. Save in exceptionally severe cases, the period of disqualification should not be so long as to impair the prospects of rehabilitation.

235.8 *Disqualification for how long 3 years or less appropriate*

R v Ditta and Ditta 2013 EWCA Crim 2765 D was convicted of dangerous driving. D and his brother T were in a car when they were racially abused by a pedestrian after an altercation at a crossing. D and T got out of the car and armed themselves with an iron bar and a car jack. They pleaded to affray. A car driven by D mounted the pavement on two separate occasions causing pedestrians, including someone with a child in a pushchair, to jump out of the way. A bystander suffered a bruised hand after it was hit by the car's wing mirror. D was aged 21 and T was aged 25. Held. It was fortunate that serious injury to pedestrians was avoided and the use of the car was deliberate. However D as a car mechanic would be significantly affected by such a period of disqualification. **18 months** disqualification not 3 years.

R v Atkinson 2014 EWCA Crim 1079 D pleaded to dangerous driving. He tried to perform a three point turn in an area where V had parked her car. He verbally abused her and deliberately reversed into her car at slow speed causing £400 worth of damage. He verbally abused her again and then drove away. Held. It was characterised as a road rage incident. Having regard to the limited degree that the driving was bad and D's occupation as a taxi driver, the 18-month disqualification would be reduced to **12 months**.

R v Murray 2014 EWCA Crim 886 (**2 years** not 5 for speeding, see **235.13**.)

R v Shipley 2014 EWCA Crim 1572 D pleaded to dangerous driving and appealed against the length of disqualification. D was driving along an A road at 90mph in drizzly conditions overtaking and undertaking at speed and dangerously. He was far too close to cars in front and was attempting to undertake when he lost control and collided with another vehicle which then hit a third. Four vehicles were seriously damaged but no one was injured significantly. D was 26 and of exemplary character with no driving offences. He was going to lose his job due to his disqualification and order to take a re-test. Held. D was wise not to challenge the suspended sentence with 250 hours unpaid work. Death could have occurred. But the case was not exceptional in its severity so **30 months'** disqualification, not 5 years.

235.13 Police chases

R v Murray 2014 EWCA Crim 886 D pleaded to dangerous driving. At 1pm, he was driving a black Vauxhall Corsa in excess of the speed limit. He was caught on a camera and a police unit was dispatched to apprehend him. He failed to stop when requested to do so. In order to evade the police and for some 15 minutes covering 10 miles, he drove through four red traffic lights at speeds of up to 50mph in a 30mph zone, up to 77mph in a 50mph zone, up to 52mph in another 30mph zone and up to 60mph in a 20mph zone. The incident only came to a conclusion when he drove into a cul-de-sac. One elderly man had to take evasive action. D had a full UK driving licence and was driving a rental car which was fully insured. D, aged 30 at appeal, was on licence at the time of the offence, being under a 9-year sentence imposed for assault, burglary, theft, ABH, aggravated burglary and threats to kill. D had two character references. Held. Motorists and pedestrians were placed in obvious danger. The fact that the police were involved and that D was on licence were seriously aggravating factors. There was a very high risk of harm to innocent members of the public and it was fortunate that no one was hurt. Starting at 20 months was too high. There was excessive speed but no intention to cause harm or fear. There was no injury or involvement of alcohol or drugs and significantly an absence of any additional relevant offences. D was a model of compliance with his licence, has stable accommodation and had obtained qualifications and a good job as a painter and decorator. However this was still a very serious offence and the absence of injury was a matter of chance. Starting at 15 months was appropriate. With the plea, **10 months** not 14. The sentence had to be immediate, given the aggravating features. 5 years' disqualification was manifestly excessive, 2 years was appropriate.

235.16 Speeding

R v Ward 2013 EWCA Crim 2667, 2014 1 Cr App R (S) 74 (p 466) D pleaded to dangerous driving and other matters (short consecutive sentences). After drinking on Saturday night, D drove to a shop the following morning with V1, aged 15 and V2, his partner. D was staggering and obviously drunk in the shop at around 9.20 am. On the drive home, D drove very fast. V1 and V2 repeatedly asked him to slow down. D lost control of the vehicle on a bend and mounted a pavement, rolling over onto a grass verge. A bus driver estimated the speed at 60 mph. V1 suffered a broken collarbone and D suffered a punctured lung. A back calculation concluded D's blood alcohol level would have been approximately 206 mg at the time of the accident. D had two convictions for five offences, none of which were driving offences. Held. This was a very serious case of dangerous driving. D and V1 were injured, V2 quite seriously. It was fortunate that they did not suffer more serious injury. The Judge was correct to take a starting point of the maximum sentence. **21 months** upheld.