

# Five-a-day



Five families a day were bereaved by road crashes in Britain in 2010.

A total of 1857 people were reported killed on Britain's roads in 2010, with five families a day suffering the sudden and violent death of a loved one in a crash. Sadly, their devastation is too often compounded by the justice system. Here we share the experiences of five families whose loved ones were among those killed, and the post-crash response of the justice system.

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Beloved husband, father and grandfather **Alistair Dodd** (54), was riding his motorcycle to work on the morning of **19 January 2010** when he was killed in a crash with an oncoming car which was on the wrong side of the road. Witnesses testified seeing the car driver overtake a high-sided van in a short stretch between two bends. The driver was arrested on the day and charged with Causing Death by Dangerous Driving.

After two trials ended with the jury unable to agree on a verdict, the CPS accepted the driver's guilty plea to the lesser charge of Causing Death by Careless Driving. The judge stated that a custodial sentence (10 months) was merited but this was suspended on grounds of the driver's ill-health. The driver was ordered to perform 200 hours of unpaid work and fined £750 court costs. She was also given a two year driving ban but was not required to retake her driving test. ■

**Mary Josephine Daly**, an active 80 year old, should have been safe on the pavement as she walked home on **30 January 2010**. However, a driver in a BMW sportscar accelerated upon exiting a roundabout and lost control. The car mounted the kerb and hit Mrs Daly from behind. She died two hours later.

The driver was arrested and charged with Causing Death by Dangerous Driving. One year and one day after the fatal crash, on the day the Crown Court trial was to start, the CPS agreed to accept a guilty plea to Causing Death by Careless Driving, thereby saving the cost of a trial. But this was at the expense of justice. The driver was sentenced to only 160 hours of community service and the minimum one year driving ban plus a 28 day electronic tag for falsely claiming Mrs Daly had walked into the road; and the family lost their right to appeal the sentence that they would have had if the more serious, indictable charge had been brought.



The family are outraged that an innocent pedestrian can be hit and killed on the pavement, and this be considered merely careless by the justice system. They also found the driver's lack of remorse appalling when at sentencing he asked if his tag be timed to allow his planned Las Vegas holiday. They also learned, only after the trial, that the driver had been speeding and driving with illegal tyres. These were believed to have been additional, rather than contributory factors to the collision. Yet these were both legal offences on which separate charges could have been made. ■



# Five-a-day 2010



On **9 February 2010**, **David Vilaseca**, a professor at Royal Holloway University, was cycling near his home in London when he was crushed to death by a left turning lorry. The driver was initially arrested for Causing Death by Careless Driving but this charge was later dropped.

At the inquest, some 11 months later, witnesses gave conflicting evidence and there was confusion around the circumstances of the collision. The coroner asked the collision investigator what would prevent such deaths, before concluding it was an "accidental death". In the month after David's death, two more cyclists were killed in London in collisions with lorries. RoadPeace has prepared a briefing for coroners and collision investigators on how blind spots can be designed out with low cost life-saving vehicle safety equipment, such as proximity sensors and cameras. ■

On **29 May 2010**, **James Whybrow** (18) was a passenger in a car driven by a 17 year old friend who had had his license for less than three months. The driver lost control and the car was travelling sideways, when it crashed into another car. James was killed and another person was injured in the other car. Police concluded the driver, also injured, was speeding at the time of the crash.

The driver was charged and initially to be prosecuted for Causing Death by Dangerous Driving. He pleaded not guilty to this charge as well as the alternative lesser charge of Causing Death by Careless Driving. James' family waited one long year before the driver changed his plea to the lesser charge, which was accepted by the CPS.

Fourteen months after causing James' death, the driver was sentenced to 200 hours community service, a two year driving ban (this is less than that incurred by a second time drink driving offence) and an extended retake of his driving test before he can drive again. Although the judge said his standard of driving deserved a suspended prison sentence, he decided not to give this due to the mitigating circumstances of the driver's inexperience, no other convictions, his good character and that he now had a lifelong sentence of carrying James' death on his shoulders. James' family believe that he should never be allowed to drive again. ■

In 2010, 544 drivers were convicted of causing a death. The most common charge was Causing Death by Careless Driving which increased 172% compared to 2009 whilst Causing Death by Dangerous Driving convictions fell by 39%. As these cases show, there is some inconsistency over what is considered careless driving by the justice system; road deaths that are initially prosecuted as dangerous driving can end up as careless driving, especially if the defendant is willing to plead guilty and thus avoid the cost of a trial, and other cases involving culpability may not even be prosecuted. Greater consistency, transparency and accountability is needed with criminal prosecution of drivers who kill.

**RoadPeace** will continue to highlight the injustices that families encounter as part of our campaign to improve the post-crash response and to reduce road danger. See our website for more information.

**Joshua Housley** was only 17 when he was killed crossing the road on his way to college on **26 March 2010**. He suffered serious head injuries and a broken neck. Although passers-by were able to restart his heart, his injuries were so severe that his family made the difficult decision to turn the life support system off that same day.



The police estimated that the driver was travelling at between 34 and 42mph in a 30mph limit. The CPS decided against any prosecution of the driver. At the inquest, the family were shocked to hear the driver claim not to have seen Joshua when the collision occurred on a straight road and the police stated that both parties should have had a clear view of each other. The driver's family is now counter-suing Joshua's family for the distress caused to the driver. ■

