

Regina

- v -

John and Jack

Sentencing Remarks

1. John, Jack you may both remain seated while I sentence you.
2. I am going to deal with an ancillary matter first: these are cases to which the statutory surcharge applies and orders should be drawn up in the appropriate amounts.
3. You were both convicted by the jury of offences arising from the events of the night of 26.3.21.
4. You, John, were convicted of the attempted murder of Bill and I will sentence you first.
5. On the night of 26.3.21 you were out drinking with your brother, Jack, and your girlfriend, Mary. You drank to excess and in the bar you became involved in a heated argument with Bill and his friends.
6. As you left the bar and got into your car, Bill took a screwdriver from his own car and scratched the paintwork of your car. You reacted angrily by getting out of your car, snatching the screwdriver from Bill and stabbing at him with it. Many of your blows missed, but then when Bill fell to the floor, you stabbed him through the neck with the screwdriver damaging an artery. That was an extremely serious, life threatening injury and Bill was lucky to survive.
7. Your brother Jack saw what you had done and drove you away from the scene.
8. I have read the Victim Impact Statement provided by Bill. In it he describes the serious physical and psychological effects your offending has had on him, in particular, the diagnosis of severe post-traumatic stress disorder (PTSD).

9. There is a guideline which governs sentencing in cases such as this. Your culpability falls within category C of that guideline: medium culpability, since you used a weapon when you attempted to murder Bill. Harm falls within category 2: I am satisfied that Bill has suffered serious psychological harm as a result of your offending.
10. The starting point for an offence in category 2C is 20 years imprisonment and the range is 15-25 years. I take 20 years as my starting point.
11. Your position is aggravated by the fact that you were drunk at the time you committed this offence, and that after you had stabbed Bill, you left the scene in an attempt to evade the police.
12. By way of mitigation, I have in mind the fact that you have no previous convictions for violence. I reject the submission made on your behalf that Bill subjected you to a significant degree of provocation: he ought not to have scratched your car, but in my judgment his conduct does not amount to the level of provocation which would mitigate your guilt.
13. I also bear in mind that you sustained serious injuries in the car crash following your offending, and that your continuing health problems will make your time in custody more onerous.
14. The sentence after trial is 20 years.
15. In my judgment you do not pose a significant risk of serious harm to members of the public by the commission of further specified offences. Therefore, I do not impose either a life sentence or an extended sentence of imprisonment.
16. The effect of the sentence is that you will remain in custody for two-thirds of the 20 years. At that point you will be released and, for the remainder of the 20 year term, you will be on licence. You must keep to the terms of your licence and commit no further offence or you will be liable to be recalled and you may then serve the rest of your sentence in custody.
17. Time spent on remand will be automatically deducted from your sentence and that may be done administratively.
18. You may go with the dock officer.
19. Jack, you are to be sentenced for causing Olivia's death by dangerous driving and for causing serious injury to John by dangerous driving.

20. On the night of the 26th March, in trying to drive your brother John from the car park where he had attempted to kill Bill, you drove at grossly excessive speed, swerving onto the wrong side of the road, and ignoring red traffic lights.
21. You came to a pedestrian crossing controlled by traffic lights where Olivia was crossing the road: you ignored the red light and drove straight on, killing Olivia instantly.
22. In doing so you have deprived three young children of their sole parent and mother. I have read the moving Victim Impact Statements written by Olivia's parents who speak of their own grief and the dreadful effect on Olivia's children for whom they now care.
23. No sentence that I pass can reflect their dreadful loss.
24. At the time you committed this offence, the maximum sentence for this offence was 14 years.
25. Your offending falls within level 1 of the applicable sentencing guideline: you drove with a flagrant disregard for the rules of the road and an apparent disregard for the great danger being caused to others.
26. The starting point is 8 years imprisonment and the range 7-14 years.
27. The sentence is aggravated by the fact that you caused serious injury to John as well as killing Olivia, and I regard it as a further aggravating feature that you were driving dangerously in order to help your brother evade detection for a serious crime. You were driving without a licence and without insurance.
28. By way of mitigation I have in mind that you have no previous convictions or cautions
29. For an adult in your position, the appropriate sentence would be one of 12 years imprisonment.
30. However you are 17 – and you were 17 at the time you committed these offences – and so I have in mind the Guideline on Sentencing Children and Young People
31. I have regard to the principle aim of the youth justice system, to prevent offending by children and young people, and I have regard to your welfare.

32. Applying the guideline, I have formed the view that, for you, the appropriate custodial term for the offence of causing death by dangerous driving is one of six years.
33. This will be a sentence of long term detention under section 250 of the Sentencing Act 2020.
34. You have also to be sentenced for the offence of causing serious injury by dangerous driving. After you had killed Olivia, you lost control of the car and collided with a lamp post. John, the front seat passenger was not wearing a seat belt and he sustained serious fractures to his skull, neck, arms and ribs
35. There is no guideline for this offence, and the maximum sentence is five years.
36. Given that I have treated the serious injury to John as an aggravating feature of count 4, and having regard to the guideline on totality and to the guideline on sentencing children and young people, I impose a concurrent sentence of 18 months imprisonment on count 5.
37. The sentence is therefore one of six years long term detention. That means you will spend three years in custody. You will, then be released on licence, and you will be subject to licence for a further three years. You may be punished or recalled to custody if you break any of the conditions of your licence or commit any further offence.
38. You will be disqualified from driving.
39. But for the fact that you are to serve a sentence of six years long term detention for the offence of causing death by dangerous driving, I would have ordered you to be disqualified from driving for that offence for a period of three years. That disqualification will not serve its purpose when you are in custody so it will be extended to take your period of custody into account. Because you will serve half the sentence of imprisonment in custody, the disqualification must therefore be three years plus an extension period of three years imposed pursuant to ss.35A of RTOA 1988.
40. You are therefore disqualified for a period of six years and until you have passed an extended driving test. That means that when your disqualification of six years has expired you can apply for a driving licence but the licence you get will be provisional until you have passed the extended test. If you drive while you are disqualified, you will be committing a criminal offence for which you could be sentenced to a further period of imprisonment.