

**IN THE CROWN COURT AT LEEDS
T20167475**

REGINA

-v-

**SABIR HUSSAIN
RAJA HUSSAIN
SHAHREAR ISLAM MIAH**

VERDICTS

**[DELIVERED PURSUANT TO THE PROVISIONS OF SECTIONS 46(3) AND 48(5) OF
THE CRIMINAL JUSTICE ACT 2003]**

COUNT 1 – MANSLAUGHTER

SABIR HUSSAIN – GUILTY
RAJA HUSSAIN – GUILTY
SHAHREAR ISLAM MIAH – NOT GUILTY

COUNT 2 – CONSPIRACY TO COMMIT FRAUD BY FALSE REPRESENTATION

SABIR HUSSAIN – GUILTY
RAJA HUSSAIN – GUILTY
SHAHREAR ISLAM MIAH – GUILTY

JUDGMENT

Introduction

1. On Monday 6th February 2017, in the Crown Court at Leeds, a jury was sworn in to try the 3 defendants, Sabir Hussain, Raja Hussain and Shahreah Islam Miah, to whom I shall respectively refer, as they have been throughout the trial, as Sabir, Raha and Miah, on a 2 count indictment charging each of them with manslaughter (Count 1) and conspiracy to commit fraud by false representation (Count 2). On Wednesday 22nd February 2017, at which stage I was part way through my summing-up to the jury, applying the provisions of Section 46(3) of the Criminal Justice Act 2003, I discharged the jury and ordered that the trial was to continue without a jury, being satisfied that to continue the trial without a

jury would be fair to the defendants and that it was not in the interests of justice for the trial to be terminated. The reasons for my decision were set out in an *ex tempore* ruling that I delivered immediately after I had discharged the jury. In summary, I was satisfied to a standard of sureness that there had been a concerted attempt to tamper with the jury, approaches having made to 5 of them after they left court on Tuesday 21st February by at least 2 different people, one female and 1 or 2 male(s), to return certain verdicts, which, in themselves, were in direct conflict. The unsettling effect of these events on 2 of the 4 jurors who returned to court that afternoon resulted in my discharging those 2 jurors at a hearing at which all the defendants were represented. A 5th juror revealed that he had been approached as soon as he arrived at court on 22nd February. It was plain that the trial could not proceed with the jury. It was not necessary for me to determine by whom or at whose behest these approaches had been made and no details of any investigation have been revealed to me. I make it clear that I have not addressed my mind to endeavouring to reach a conclusion as to who was or may have been responsible for the jury tampering or on whose behalf. Accordingly, I wholly ignore for the purposes of my decisions the fact that some people sought to influence the outcome of this trial and I certainly do not hold it against any of the defendants that this occurred and that the jury had to be discharged.

2. Moreover, I had not conducted any detailed reading into the case beyond the evidence sought to be and in fact relied on by the prosecution or referred to in any applications made in the trial. I have not considered any material that has not been placed before the jury or referred to in questioning of witnesses apart from that relating to the bad character application in respect of Raja which concerned a collision in which he was involved in 2010. I refused that application and I ignore the material in relation to it. I am aware that Sabir is a serving prisoner and Raja is awaiting trial in this court on an offence or offences, about which I know nothing. I also know nothing about the antecedent history of any of the defendants beyond that which has been adduced in evidence. I put out of my mind entirely the very limited knowledge that I have of these matters or any other matters that have not been adduced in evidence before the jury.
3. Accordingly, the reasons for my verdicts are entirely based on the evidence that was placed before the jury, my assessment of it and of the witnesses and the conclusions that I have drawn from all the evidence.

4. I had already given directions of law to the jury prior to Counsel's addresses as to the applicable law in the circumstances of the case as put by the prosecution. I confirm that I have followed the directions of law that I gave to the jury.

The circumstances giving rise to the alleged offences

5. On 10th September 2014 there was a collision between two cars on Old Lane in Beeston, Leeds at its junction with the entrance to the Co-op store. A Renault Kangoo being driven by Geoffrey Grimshaw was in collision with a VW Passat. The Kangoo was turning right into the entrance road to the Co-op and was, in consequence, crossing the lane for oncoming traffic in which the Passat was travelling. The front of the Passat struck the nearside of the Kangoo in the central area of its nearside and pushed the car onto the paved area. The Passat came to a halt beyond the junction. The airbags in the front of the Passat were deployed on impact. The front seat passenger in the Kangoo, Betty Laird, who was 88 years of age, sustained injuries in the collision from which she died later that day. Sadly, but not as a consequence of the collision, Mr Grimshaw died a few days later. There were a number of Asian men travelling in the front and back of the Passat. None suffered any injury of any significance. Sabir was one of them. The prosecution allege he was the driver. His case is that he was a rear seat passenger. The prosecution case is that Raja was the front seat passenger. He accepted this was so in a prepared statement he provided when interviewed under caution and informed of the scientific evidence, primarily his DNA in blood on the front seat passenger airbag. The prosecution case against Miah, from first to last, is that he was a rear seat passenger.

6. Another man, Mohammed Ubaidullah, to whom I shall refer as Ubaidullah, gave his name at the scene as the driver of the Passat and subsequently repeated that he had been the driver. Later he said this was a lie and, in fact, he was a rear seat passenger, sitting behind the driver, and that the first defendant, Sabir, was the driver and that this was not a genuine accident but a deliberate collision pursuant to a 'crash for cash' scam that is now the subject of Count 2 on the Indictment. On 8th June 2016 Ubaidullah pleaded guilty to the manslaughter of Betty Laird and conspiracy to commit fraud by false representations on the basis that he was involved in the insurance scam. He also admitted perverting the course of justice by lying to the investigators. On 14th – 16th February 2017 he gave evidence in the trial in which he repeated he was not the driver of the Passat and that

Sabir was, the collision was deliberate and that he was party to the conspiracy charged as Count 2 as were the defendants on trial. None of the defendants gave evidence. Sabir and Raja's cases are that they were innocent passengers in the Passat, the collision was an accident and they were not involved in a planned 'crash for cash'. Miah's case is that he was not in the Passat and knew nothing about any plan to submit fraudulent claims.

The position and evidence of Ubaidullah

7. Ubaidullah is a key witness in the case. He is now 29 years of age. His home address at the time was Bentinck House, 83 Bentinck Road, Ashton-Under-Lyne, Greater Manchester. His grandmother lived in Beeston and he would visit her there. He says he was an accomplice with the other defendants in these offences. The defendants' cases are that he has lied about all sorts of things; most fundamentally, that this was a planned crash and that they were involved in it. There is no doubt that he is a liar: he told lies from the day of the collision on 10th September 2014 right through to when he was giving evidence to the jury. His lies were explored in detail in his evidence and rehearsed in closing addresses to the jury. He also signed a SOCPA agreement with the CPS on 23 July 2016 in which he agreed to assist the investigation and/or the prosecution of the defendants and into offences involving fraud against insurance companies and perverting the course of justice. It is quite apparent that, contrary to its terms, he lied in the 'debriefing' process part of that agreement and in his evidence. He awaits sentence for the 3 offences to which he pleaded guilty. He admitted he was trying to do a deal with the police and initially avoid prosecution and then, when it was plain he was going to be prosecuted, he tried to get to get the charges dropped or get a lighter sentence by providing assistance. Both before and after signing that agreement he gave different and conflicting accounts about matters. Even during his evidence he changed his account of events and increased the number of people in the Passat from 4 to 5. Manifestly, he demonstrated a tendency to lie when it suits or suited him or his situation at the time.
8. Accordingly, I exercise extreme caution in accepting any of his evidence as truthful and reliable and only accept it where it is adequately supported or verified by some other evidence that is independent of him.
9. Ubaidullah gave his evidence screened from the defendants and the public gallery, my having made a Special Measures Direction following an application on his behalf by the

prosecution. There was no material placed before me in relation to that application of any prejudicial effect to any of the defendants or their cases. For the sake of completeness, I confirm that I completely ignore the fact that he was afforded a screen and do not hold the fact of screening against any defendant or their cases.

The defendants

10. Sabir is now 25 years of age. His home address was 21 Camberely Street, Beeston, Leeds. Raja is now 31 years of age. His family address at the time was in Beeston, Leeds. Miah is now 26 years of age. His home address was 9 George Street, Chadderton, Oldham. He has no previous convictions but does have a reprimand for theft in 2006. I attach no significance at all to that reprimand. It was agreed evidence that Sabir and Miah had known Ubaidullah since childhood.

The acquisition and insuring of the Passat

11. The VW Passat involved in the collision was purchased on Friday 5th September 2014 from Parkside Motors on Wigan Road, Atherton in the M46 postal district for the sum of £3,350. The agreed evidence was that it was sold to 3 or 4 Asian males in their 20s, the youngest of whom was smaller than the others and aged around 22. The other 3 asked about the car and had some banter with the salesman to get the price down. It was a very high mileage vehicle (234,588 miles). It was test driven by the men for about 5 minutes. The salesman could not say how the men paid for the car, whether by cash or card. The purchaser was a Muhammed Ubaidullah. His details were recorded as Muhammed Ubaidullah, Flat 83, Bentwick House, Bentwick Street, Aston. Ubaidullah says he was not present when the car was bought and it was not his signature on the invoice. It is to be noted that, although similar to the correct details, the address was inaccurate; the true address was Bentinck Road, Ashton-under-Lyne. His bank statements do not reveal any contemporaneous debit to cash or a payment to Parkside Motors, so there is no evidence of his having contributed to the purchase price.

12. There is no other evidence as to the identities of the 3 or 4 Asian men involved in the purchase. Ubaidullah says he had been approached in Beeston about a week before the collision, so on about 3rd September, by Miah, who discussed with him having a car crash. It was not a planned meeting. All Miah said he needed was his licence details and he would get a vehicle and insure it. Ubaidullah said it sounded really easy so, after

initial misgivings, he agreed to be involved: it was “easy and a financial gain”, getting compensation from an insurance company for personal injury that was never suffered. In short, it was a fraud of the kind charged as the conspiracy in Count 2. He said that he texted Miah his details the next day, he thought, when he was asked for them again; he gave his name, address and date of birth. Miah had given him his phone number on the day they met. A few days later, Ubaidullah said Miah phoned him and asked for his bank details so he could transfer money into his account and purchase the insurance, which he said he was going to do online; he gave Miah his details over the phone. The car was insured with eSure in the name of Mohammed Ubaidullah on Saturday 6th September. The first month’s premium was £120.01. The address given to the insurers was in Hornsea. It was false and was one used by Ubaidullah to insure other vehicles.

13. The sum of £120.01 was shown as transferred into Ubaidullah’s bank account on Monday 8th September from an account in Miah’s name. That same day the premium of £120.01 was debited from his account to eSure. Ubaidullah denied the proposition put to him in cross-examination that the transfer from Miah was to do with a holiday to Amsterdam. The only oral evidence in relation to these transfers comes from Ubaidullah, but it is supported by the bank evidence and the striking coincidence of the amount.
14. After the collision, on 16th September 2014, Miah telephoned eSure and, purporting to be Ubaidullah, cancelled the policy. The transcript of the call reveals close involvement in the insurance arrangements and knowledge of details relating to Ubaidullah. In fact, on that same day, in the presence of Miah, Ubaidullah phoned Aviva, the insurers of the late Mr Grimshaw, demanding a hire car. A written note for Ubaidullah’s assistance when making the call containing details relating to the collision, the great majority of which were in the handwriting of Miah, was produced and exhibited.

The events of 10th September 2014 prior to the collision

15. The collision on 10th September occurred 4 days after the Passat was insured. Ubaidullah said that he received a phone call from someone he didn’t know on a random number at about 12 noon to come to the car, which was on the square in Stratford St in Beeston. He arrived there about 12.20-12.30 pm. There he saw Miah, Sabir and a random person who left after a couple of minutes. Sabir was the driver. After driving for a couple of minutes they went and picked somebody up. Ubaidullah said he was told to sit behind the driver.

The 4th man, who assumed the front passenger seat previously occupied by Miah, who in turn moved to the back, was in the car for much longer than 10 minutes; it may have been longer than half an hour. They then drove around Beeston and Holbeck. There was general conversation between them. They went to a local mosque to pray at 2 pm. When they got back into the car they occupied the same seats. Whilst they were driving around, Ubaidullah says he asked “what do we do if there are elderly people or children in the car?” He says the front seat passenger said “fuck them, we don’t care.” Ubaidullah gave conflicting accounts as to his knowledge of the identity of the front seat passenger. In his evidence in chief he said he knew him by face; he knew him from Beeston, he had seen him quite often but had never spoken to him. However, in interviews with the Police in November 2015 he was adamant that he had never seen the man before in his life. He never mentioned the name Raja. His evidence on this was contradictory and unsatisfactory.

16. In his evidence-in-chief Ubaidullah maintained, as he had from the outset, that there were 4 men travelling in the Passat. In cross-examination, he admitted that a man called Radwan Ali had also been in the vehicle, having been picked up before the front seat passenger. That, on his account, took the number to 5, with Radwan Ali sitting in the middle of the back seat of the Passat at the time of the collision.

The collision on 10th September 2014

17. The fundamental issue was whether the fatal collision was or may have been a genuine accident by reason of driver error or was deliberate. Neither of the people travelling in the Kangoo can give their version of events. No traffic investigator attended the scene before the debris on the road was removed or the Passat had left. Although there were numerous calls for an ambulance, no-one called the Police until a call was made to them by a member of the ambulance crew who attended. There are no photographs of the cars involved in situ.
18. Keith Rayner, a Collision Investigator employed by the West Yorkshire Police, gave evidence. I remind myself that although he is an expert witness and can inform me of matters about which I have no expertise, and no expert witness has been called challenging his evidence, I should have regard to his opinions but I am not bound to accept his conclusions, they relate to only part of the case and I must consider them in the

context of all the evidence in the case and determine what weight I attach to them. Similar considerations apply to the expert evidence of Dr Mark Dale, a Forensic Scientist, in relation to the deposition of saliva on the driver's seat airbag.

19. The CCTV recording of the Passat travelling along Old Lane towards the turning into the Co-op store showed that there was a green coloured waste lorry waiting on the minor road, Barkley Road, wanting to turn right. The driver was John Lynch. Alongside him, in the passenger seat, was Scott Martino. He was trying to help, looking to his left. He saw a black car coming from the left and was concerned about the speed and it was unsafe for the lorry to pull out; he warned his driver, who waited and pulled out the lane in which it was travelling after it had passed. They heard a bang and realised there had been a collision. They came up to the scene and saw 4 Asian males get out of the black car and walk to the other car, in which there were 2 elderly people. Mr Lynch and Mr Martino didn't stop, but just kept going, not seeing anything after that. Mr Lynch said it was a tricky junction to the Co-op and it didn't seem to be a serious incident. The traffic was generally light at the time.

20. Keith Rayner, the Collision Investigator, arrived after the vehicles had been removed. There were no scuffs or tyre marks; the road was in a good state of repair. There were no mechanical defects on either vehicle. At the time of the collision the Passat driver's seat belt was fastened but not round the driver, who was sitting on it and the front passenger seatbelt had not been fastened at the time of the collision. Mr Rayner looked at the CCTV and calculated that the Passat was travelling at approximately 47 mph along Old Road at a point 43 metres from the area of the impact. Its speed thereafter is not known as the vehicle was out of sight of the CCTV camera. At a speed of 47 mph a vehicle travels at 21 metres per second. Reaction time would reasonably be 1-1.5 seconds. The sight lines for both drivers were quite extensive and clear. There is no evidence that the Kangoo stopped and may have been travelling at 9 mph, at which speed it would have taken it half a second to clear the carriageway on which the Passat was travelling. If the Passat had been travelling at 30 mph, it could have stopped and the Kangoo would have had plenty of time to carry out its manoeuvre. The impact speed of the Passat was probably around 20-25 mph, indicating some braking had occurred. Most airbags deploy at an impact speed of 15-18 mph or more. The defence contend that the only possible explanation is, or it is possible that, the driver of the Passat was trying to avoid the

collision but couldn't and that the collision occurred and was merely a result of the driver of the Passat going too fast.

21. The only eye witness to the actual collision to give evidence was Andrew Oates. He was walking out of the Co-op; he saw what must have been the Kangoo waiting to turn, making small movements, slowly making a right hand turn. He couldn't say if it was indicating or not. It was across the oncoming lane and seemed to speed up as it continued its turn when another vehicle hit it, causing it to go up into the air and turn and its tailgate to open. Mr Oates thought the Kangoo misjudged the oncoming car and the time he had to make the turn. The Passat pulled up further down the road with 2 wheels on the kerb, probably into the bus lane. He didn't take notice of much detail. He went to the driver's door of the Kangoo. Apart from the noise of the collision he heard no other sounds. A good few minutes later he went to the Passat and spoke to the man he believed to be the driver. There were 4 Asian men standing by the Passat. The man who he thought had been the driver had an injured knee; he was about 5' 7" and stocky. He didn't say anything about how he had hurt his leg or that he was the driver. He was sat in the rear of the Passat for a while because of the injury to his knee. Mr Oates thought he was the driver because one of the others was pointing him out as the driver; he gave Mr Oates his phone number. The occupants of the Passat asked his opinion if it was alright to go. Mr Oates recalled a bystander ringing the Police and it being said that they, the Police, weren't coming as no-one was hurt. In fact, this was not so: no call was made until a member of the ambulance crew called them. Clearly Betty Laird was injured.

22. Helena Maude was at the bus stop on the other side of the street from the Co-op facing away from the junction. She turned on hearing the crash and went to help the occupants of the Kangoo. The front seat passenger had a bleeding arm. An ambulance was called. She saw 4 Asian men from the black car; one was much smaller than the others and was limping. He got out of one of the doors on the driver's side, she didn't know which, for she was much more interested in the front seat passenger, who was in a bad way. One of the Asian men was taking photographs.

23. John Jennings, the manager of the Co-op went to the Passat and saw a man with his feet hanging out of the front passenger seat. When asked if he was injured, he said he was just shocked and kept rubbing his face. There was also a driver, a youngish Asian aged 20-

25. He only ever saw 2 people associated with the Passat. There were no formal identifications.
24. Ubaidullah's evidence was that before the collision he thought the front passenger said "there's a chance; go, go, go." He didn't notice if anything happened in relation to the Passat's speed. He held on to the door and the driver's seat. A couple of seconds later, there was an impact. He saw the crash was about to happen; he saw the car turning slowly into Co-op car park. The airbags came out and the car was full of smoke. Everyone jumped out. He was told by Miah to jump into the driver's seat to make it look like he was driving. He stayed there for maybe 3-5 minutes. Then he went and sat in the in the back passenger seat with the door open. The others went to the other car and one of them used his phone to call for an ambulance. He was handed a pen and paper and wrote his details to give to the driver of the other car. He claimed he had not gone over to the other car; however, that evening he told the Police that he injured his knee in the collision and, limping, went over to the other car and phoned for an ambulance. He was given the details of the other driver.
25. The paramedics arrived at 2.52 pm. The Passat had already left the scene. The first police officer, PC Tarkenenso, arrived at 2.58 pm; Betty Laird was being taken to an ambulance on a stretcher and the Passat had gone. Mr Grimshaw gave the officer his details and a note with the details of the other vehicle involved, which was obviously the note written by Ubaidullah.
26. Betty Laird was taken to the Emergency Department of the Leeds General Infirmary and attended by the trauma team. A CT scan showed what were significant injuries sustained through trauma, namely, an unstable fracture of her 2nd cervical spine, a fracture of the 10th thoracic vertebra, fractures multiple to 3 left ribs, a fracture to her pelvis and internal bleeding. The specialists and the intensive care team deemed her critically unwell and would not survive any operation. Her condition deteriorated rapidly and she died at 18.27 hours from her injuries.
27. The departure of the occupants of the Passat from the scene was recorded, in part, on CCTV. Ubaidullah drove the vehicle, he said at the direction of Miah, to make it look like he was driving. The recording showed there was a front seat passenger. There is no evidence as to the identity of that person. Initially in his evidence Ubaidullah said he

was alone, then he said he couldn't remember if he was alone. He parked the car up down a side street, which was Woodlea Street. The CCTV then shows Ubaidullah and the passenger walk back down the street where they met up with 2 other men, one of whom pointed and they walked off, Ubaidullah following, his behaviour not indicating any leading role. His evidence was that the front seat passenger in the Passat at the time of the collision had left at the Co-op; someone came and picked him up. The prepared statement Raja gave to the Police when interviewed on 12th November 2015 stated that he got out of the car very dazed and walked away from the accident as he was very worried about getting into trouble about the cannabis that he had on him for his personal use.

The forensic scientific evidence

28. The relevant scientific evidence and findings in relation to the Passat can be summarised as follows:-

- a. The airbags in the front of the Passat were individually removed by cutting using clean scalpels by a technician wearing a DNA mask and gloves in a secure area for vehicles in the Collision Investigation Unit on 24 September 2014.
- b. Sabir's fingerprints were found on the inside of the rear nearside door, on the plastic wallet containing a V5C document and on the V5C document itself.
- c. Raja's fingerprints were on the front passenger seat door handle.
- d. When an airbag deploys in a collision, a person sitting in the corresponding seat can impact with the airbag and deposit saliva and, if the individual is injured, blood can be deposited on the airbag. Saliva stains are rarely visible but can be detected by a chemical test for amylase, which is often present in saliva. The outer surfaces were visually examined and nothing was to be seen. As soon as an airbag is deployed and is fully inflated, which is virtually instantaneous, it starts to deflate.
- e. An area of some size in the middle of the driver's airbag – to be seen on the exhibited photograph – gave a positive test for amylase. Dr Dale considered the stain to be a discrete saliva stain. He accepted mucus can produce a positive test for amylase, but this had the appearance of a contact stain and, in his opinion, it was a discrete saliva stain explained by the bag being in contact with a mouth, although he could not scientifically exclude secondary transfer. The stain yielded a DNA profile that matched the profile of Sabir Hussain, which is what Dr Dale would have expected if the saliva had originated from him. The probability of

obtaining the matching DNA profiles if the saliva tested had originated from someone other than, and unrelated to Sabir Hussain is 1 in a billion. The DNA of the other 2 defendants or Ubaidullah, was not present in that saliva stain. The whole of the airbag was not swabbed for DNA. There is no evidence, in particular from Sabir, as to a possible explanation for how saliva or mucus containing his material considered to be saliva yielding his DNA profile and not that of Ubaidullah came to be deposited in the middle of the driver's airbag if he, Sabir, was not the driver. Nor, on the evidence, are there any apparent circumstances from which this could have happened. This, therefore, is strong scientific evidence supporting the account of Ubaidullah that he was not the driver when the collision occurred and Sabir was.

- f. There were 2 small blood stains close to the centre of the front of the front passenger seat airbag. The larger stain was tested for DNA. The profile obtained matched that of Raja; he accepted in his 3rd interview on 12 November 2015, having had the forensic scientific findings put to him, that he was the front seat passenger at the time of the collision.

Events after the Passat was moved

29. Ubaidullah said he walked home and was later phoned and told to go back to the Passat. When he did so, the car was being recovered and lifted onto a tow truck. He was taken to Elland Road Police Station. He said he was instructed by Miah in text messages to say that he was the driver and to make up names for the passengers. The text messages were later deleted and there is no record of incoming messages on his phone. Mobile phone records in this case are incomplete. Ubaidullah also claimed that although he told his solicitor's representative he was not the driver, he was advised by him to say that he was. I am quite satisfied he was lying about this. He told the Police he was the driver.
30. He said that a few days later Sabir and Miah came to his house. This was 16th September when the phone calls were made to the insurance companies referred to in paragraph 14. Ubaidullah accepted in his evidence that he was "lying through his teeth" about needing another car because he already had one. He accepted all that he was interested in was money. From the evidence of the notes and the terms of the conversation it is apparent that Miah was playing a full role in relation to what was to happen. The agreed schedule of events produced in this case provides a helpful but not comprehensive document of

material events, including the terms of text messages passing between Ubaidullah and Miah. There are no phone records available for mobile phones attributable to Sabir and Raja. Miah used 4 different phone numbers over the time of the collision and afterwards. He advised Ubaidullah to change his number, but he didn't. Miah arranged medical examinations at a hotel in relation to a claim for personal injuries suffered in the collision. Others were there, including a doctor, who didn't do what a doctor would normally do; all he did was paperwork.

31. The Police were wanting the details of the passengers so that they could speak to them. There were references to 'whips', which were whiplash injuries, Miah sent texts referring to waiting for the claim money to come in and that at least the Police were not putting "fault on us.... Just gna be hard gtn real passengers". In texts on 31st October 2014 Miah wrote "Whip cn take 3-5 mnths, so nt lng nw and u wil dfo get ur cheque cus it'l cum thru me g" in one and in another, in response to a text from Ubaidullah that "Once it's done and dusted we'll do another one soon after ASLONG as its all good." Miah responded "Snm" which was taken to mean "say no more". On 20th November 2014 long telephone calls between Miah and Ubaidullah took place. Ubaidullah says he had told his Solicitors that he was not the driver of the Passat and that Miah wanted to speak to him about it. The following day Miah came to outside his block of flats with 2 other men who he didn't know. They had a conversation that was recorded by Ubaidullah. It is apparent from the terms of the conversation and his tone, that Miah was giving instructions as to the claim and, at various points, was referring to himself being included in the arrangements. At one point he said, unprompted, "... you've done it with me and I said to you I'll look after you through it all...."
32. On 7th January 2015 Ubaidullah was interviewed again by the Police and declined to answer questions, he says on legal advice. The solicitors attendance note, signed by Ubaidullah, contradicts that assertion. On 28th June 2015 he had another short meeting with Miah. He appeared at the Magistrates Court for the offence of Causing Death by Careless Driving and was sent to the Crown Court. On 24th September 2015 he rang the investigating police officer, PC Gough. He was required to name the driver. On 9th November 2015 he went to court and the trial was fixed for April 2016. He was interviewed that day and he named Sabir as the driver and who else was in the car but claimed the man he knew as Radwan Ali didn't exist and he repeatedly said he had never

seen the front seat passenger (Raja) before the day of the collision. He readily accepted in his evidence that he was hoping to get the charges against him dropped and that he agreed to enter into the SOCPA agreement and give evidence against others in a similar hope and to get a lesser sentence and not go to prison. He had not been happy about having to plead guilty to manslaughter.

The accounts of the defendants in relation to the collision

33. None of the defendants gave evidence and none was called on their behalf. When interviewed in November 2015 Sabir and Miah exercised their right to silence. Sabir was asked to account for the scientific findings relating to the driver's seat airbag but declined to do so. He has not advanced any explanation at trial. I attach no additional significance to his failure to provide any possible explanation at that time. Raja, declined to answer questions but, faced with the forensic scientific evidence linking him to the front passenger seat, he admitted in prepared statements that he was travelling in the front seat at the time. The remainder of his statements were an assertion of innocence that did not descend to any detail as to the identity of the occupants of the Passat or why they were travelling together and remains untested.

Evidence as to other collisions in which Ubaidullah and the defendants were involved

34. Ubaidullah accepted that he was involved in an incident in 2013 when he was driving too fast and collided with another vehicle. He was convicted of an offence of speeding. Further, in a separate incident, on 31 July 2013 in Birmingham his VW Golf collided with the back of a Transit van. Only his sister was in the car at the time and he arranged for his mother, grandmother and nephew to be brought by taxi because he planned to claim for bogus injuries on their behalf. He had taken out motor vehicle insurance, using the false Hornsea address on 3 July 2013 and transferred it to the Golf on 29th July. He also lied to the insurers about the car, saying it had not been involved in a previous crash when it had. The insurers refused to pay out, deeming the policy to be void. He accepted that it was an attempt to make a false claim and he got found out. That attempted fraud predated the events of September 2014, so he was not a stranger to the concept attempting to defraud insurers when he agreed to be involved in a 'crash for cash' fraud. However, having seen him give evidence over a prolonged period, although a liar and inconsistent, he did not display great guile or intelligence.

35. I acceded to the prosecution application to adduce evidence relating to other collisions in which Sabir and Miah were involved. In Sabir's case, he was the driver of cars that collided with another vehicle on 24th August 2014 and 21st October 2014. Miah was the driver of cars involved in collisions on 23rd October 2013 and 2nd September 2014. There was no Police investigation at the time into the circumstances of the collisions or the claims. In each, the other driver's insurers admitted liability for the collision. The driver in each of the collisions gave evidence, as did an independent witness to one of the collisions. There was also evidence from insurers as to the making and processing of the claims consequent upon the collisions.
36. At about 5.15 pm on 24th August 2014 Sabir was driving a silver coloured Skoda that collided with Ronald Murray's black Passat on Tong Road in Armley, Leeds at its junction with Oldfield Lane. Mr Murray was wanting to turn right. There was a central lane into which he could turn before entering the far lane in which the traffic was slow moving. He was afforded the opportunity to move out into the far lane by a motorist who flashed his vehicle's lights. He thought there was plenty of time to move across the lane for vehicles travelling from his right. As he moved across the nearside lane of Tong Road, his car was struck by the Skoda travelling from his right. He said he wasn't blocking the road and thought there was plenty of time for him to get across the lane in which the Skoda was travelling. Three Asian men got out of the Skoda. He thought the driver spoke first and said "I didn't give you permission to pull out." He denied he was taking a chance. He thought it was strange: where was the driver going to strike him as he did? No-one was injured. The collision was seen by John Sweet, who was driving an articulated lorry along Tong Road and said the traffic was quite heavy. He saw the Skoda waiting to come out of Copley Hill onto Tong Road. He flashed to let him out. It pulled out normally and for no apparent reason it seemed to accelerate as fast as it could towards the Passat. It was an inappropriate thing to do. He said the Passat was blocking its passage. The Skoda didn't change gear, the engine revs rose very rapidly. Nothing was obstructing the driver's view or his view. He couldn't remember seeing any brake lights and heard a squeal of brakes a millisecond before the impact. He believed there were 3 Asian men in the car; there may have been another in the back of the car who didn't get out. One came across the road and asked if he had recorded the collision and asked for his details, which Mr Sweet gave to him. No-one appeared to be injured.

37. Allianz PLC, who insured Coral Windows for whom Mr Murray worked and whose Passat car he was driving, received claims on 9th and 10th October 2014 on behalf of Sabir and 3 occupants of the car for personal injuries. The Skoda was deemed beyond economic repair and £4000 was paid for it plus the recovery charge. The claims were transferred on 16th October 2014 to the Claims Validation Team which dealt with suspected fraud.
38. On 21st October 2014 Matthew Elliott, then a student, was driving a small red Hyundai car on hire from Enterprise on Kirkstall Road and turning right into Headingley Mount at about 5.30 pm when, as he was about ¾ of the way onto Headingley Mount, he felt a bump on the rear nearside of the car. He knew there were vehicles approaching and had waited for a gap with what he believed was sufficient time for him to execute the turn. He pulled up and waited in his car. 3 slim Asian young men in their 20s approached him and both drivers felt they were in the right. It was a minor bump – there was just a scratch and a minor dent to the Hyundai. No-one appeared to be injured though one passenger in the other car, a silver Golf, had his hand on his neck and was saying “my neck”. Details were exchanged. The driver was Sabir Hussain.
39. The insurers of the Hyundai, Allainz, received a claim from LPS Solicitors on behalf of Sabir on 31st October 2014 for personal injuries sustained in the collision and, then, claims for personal injuries were received from the same solicitors on behalf of 3 men from Leeds aged 22, 27 and 18 on 13 January 2015. Sabir was paid £4955 in respect of the Golf and storage charges, which was deemed beyond economical repair by a repair centre in Dewsbury.
40. These then were 2 collisions involving vehicles that Sabir was driving, one 17 days before Betty Laird’s death and the other 6 weeks after it. In each, his vehicle struck another car rather than the other way round. In each, claims were made for personal injuries when none appeared to have been sustained or should have been sustained.
41. The first collision in which Miah was the driver of cars occurred when David Harrison was turning right off the slip road off the M621 on 23rd October 2013 onto Cemetery Road, Leeds. It is a difficult junction and a sight for concern by reason of the number of accidents there. Video footage was produced by Mr Harrison showing how vehicles deal with the difficulties. There is a blind spot to the right. It was clear and Mr Harrison

moved out to turn right when a vehicle – a black BMW came round the corner at considerable speed and struck the centre pillar of his Citroen Berlingo and the back nearside door. 3 Asian males between 20-30 got out of the BMW. He asked if they were OK; he thought they all said they were fine. The BMW seemed to disappear very quickly. Mr Harrison was checked over by paramedics and he said he was OK. The Police officer said he didn't have to get involved as no-one was injured. His vehicle was a write-off.

42. Mr Harrison's insurers, Aviva, received a claim from Miah in respect of this collision. On 9th December 2013 LPS Solicitors of Bradford, who were the Solicitors in respect of one of the claims made by Sabir and his passengers 10 months later, submitted claims on behalf of Miah and 3 others, Mohammed Rashid, Jakir Khan and Abdul Aziz, all from Oldham and in their early 20s. In January 2014 each was paid over £4000 for whiplash injuries. In 3 of their cases, the prognosis of a full recovery was in 13 months, and Miah was paid out in respect of his claim for damage to his vehicle.
43. Finally, on 2nd September 2014, Miah was driving a Mercedes on Long Row in Horsforth when it was in collision with Mark Waudby's blue Honda Civic that had turned right at the top of Lister Hill. Mr Waudby was on his way to work as an Air Traffic Control Watch Manager. It was his usual route. He had to cross the nearside lane and saw a vehicle approach at quite high speed from his right. Mr Waudby accelerated and steered slightly to his left to get out of the way but the Mercedes struck the rear offside of his car and spun it round through 180 degrees. 4 or 5 Asian males got out of the Mercedes. Everyone seemed to be Ok.
44. Mr Waudby's insurers, Admiral, received claims for personal injuries from Stocks Solicitors on behalf of Miah and 2 passengers, Shahzad Tahir and Waqas Tahir, both in their 20s and from Oldham. In his claim for the total loss of his vehicle, Miah stated there had been 2 passengers in his Mercedes. The 2 passengers were paid £2900 for their personal injuries, Miah was paid £14,995 for the total loss of his vehicle, storage and vehicle hire charges of over £1700 and a personal injury payment of £3500.
45. Like Sabir, therefore, Miah was driving cars on 2 other occasions when they struck other vehicles, no apparent injury was suffered yet personal injury claims were made on behalf

of both Miah and his passengers. Further, in the second claim, there were more occupants in the car than Miah stated in his claim to have been the case.

46. I had the benefit of observing each of the drivers involved in the collisions and the witness, Mr Sweet. They were careful and honest witnesses and, with the exception of Matthew Elliott, experienced drivers. Each was puzzled to some extent as to why the collisions had occurred. I am quite satisfied that each was truthful and reliable in their evidence as to the circumstances of the collisions in which they were involved and the number of occupants in the other car and the absence of any injuries. There has been no evidence from either defendant or on their behalf to contradict, explain or undermine the evidence of these drivers and Mr Sweet.

47. I take account of the fact that, on the information they had, each insurer accepted liability at the time on behalf of the other drivers that there was no real, and certainly no detailed investigation into the circumstances of those various collisions at the time and there has been no finding of fault on behalf of Sabir or Miah. However, in each of their cases, having regard to the evidence of the circumstances of the individual collisions, when and how they occurred, in each case with them being on the major road and vehicles crossing their path, the subsequent claims made by them for losses and personal injuries that were apparently never sustained and the absence of any explanatory or contradictory evidence, leads me to the conclusion that these were not, in their respective cases, unfortunate coincidences. Rather, I am sure, it is evidence of their actively being involved in deliberate car collisions for the purpose of making fraudulent insurance claims at or around the material time.

48. Such a conclusion does not, of course, mean that either of them was involved in such an enterprise on 10th September 2010. In reaching conclusions about that event and its causes, I must and do concentrate on the evidence directly relating to it. I only take into account of such a tendency to behave in this way as part of the evidence.

Conclusions

49. It was not disputed that Sabir was in the Passat when the collision occurred. The scientific evidence of saliva yielding only Sabir's DNA profile in the middle of the driver's seat airbag and the complete absence of any explanation from him as to how that came about if it was not as a result of his mouth coming into contact with that airbag

when the collision occurred, thereby providing confirmation of the evidence of Ubaidullah that Sabir was the driver, makes me sure that he was the driver when the collision occurred. Raja was travelling as the front seat passenger, as proved by his blood being on the airbag and his admission in his prepared statements. Ubaidullah was in the back of the car. The prosecution case and the evidence of Ubaidullah until he was cross-examined was that there were 4 men in the Passat. Witnesses at the scene only saw 4 men and only 4 men are to be seen on the CCTV recordings when the Passat left. The prosecution, relying on Ubaidullah, maintained their case that Miah was in the car and did not seek a conviction on the charge of manslaughter on any other basis. Once Ubaidullah stated Radwan Ali was also in the car, although it is possible that there were 5 in the Passat and Raja left the scene unnoticed, this is something of which I cannot be sure. Further, there is no unequivocal evidence in any of the text messages or the recorded conversations between Ubaidullah and Miah of any admission by the latter of being in the Passat at the time.

50. So far as the collision itself is concerned, although the limited eye witness and collision investigator evidence would, absent any other evidence, admit of a conclusion that the driver of the Passat did not deliberately collide with the Kangoo, I am satisfied on all the evidence to a standard of sureness that there was a conspiracy to stage a crash for cash with a view to making fraudulent insurance claims. I reach this conclusion having found Sabir was the driver at the time. His fingerprints were on the V5C document and the plastic wallet containing it that was in the Passat. This was one of 3 similar collisions in a period of about 8 weeks in which he was the driver of the colliding car. In the other 2, fraudulent claims were initiated. Although not, of itself, decisive, this is capable of supporting other evidence and, in my judgment, does so. On my findings, there was an arrangement that Ubaidullah, being the owner and insured driver of the car, would accept that he was driving at the time. There ensued what was otherwise, in effect, a conspiracy of silence into this fatal collision. Sabir has given no evidence as to how the collision occurred. Nor has there been any evidence contradicting the essential evidence of Ubaidullah that there was a plan to effect a crash when the right circumstances arose and the front seat passenger urged the driver to 'go, go, go'. The driver and front seat passenger in the Passat had a very good view of the road ahead and a long sight line of the junction. As any driver knows, when approaching a junction of this kind, care has to be taken in relation to the risk of a vehicle turning across the path of the vehicle on the

major road. The opportunity to collide with the crossing vehicle or seek to avoid a collision were both open to Sabir.

51. The collision occurred in the context of the purchase of the Passat only 5 days earlier in strange circumstances and it being insured at the behest of and with money provided by Miah, as I find that it was. The bank evidence supported the reliability of Ubaidullah's evidence on this issue. Moreover, after the collision, the terms of the text messages passing between Miah and Ubaidullah and the recorded conversation between them on 21 November 2014, unexplained and not contradicted by any evidence from Miah, strongly supports my conclusion that there was a conspiracy to crash the Passat. If these were to be legitimate claims, one asks rhetorically why were the identities of the occupants of the car were not quickly and openly identified. I do draw inferences adverse to each defendant's case in relation to their failure to give evidence. Further, Miah's involvement in other, similar collisions in which there was a fraudulent purpose provides further support for the prosecution case.
52. So far as Raja is concerned, I attach no significance to Ubaidullah's contradictory and unsatisfactory evidence as to his having seen him before. Having come to the sure conclusion that this was not an accidental collision and Raja having been picked up and travelling, without explanation, as the front seat passenger and there being no evidence contradicting Ubaidullah, I am sure that Raja was a party to the plan to stage a crash for fraudulent purposes.
53. On the basis of these conclusions, the collision was an unlawful act that carried the foreseeable risk that some injury might be caused and, in fact, caused the death of Betty Laird. Sabir and Raja are, therefore, guilty of manslaughter. My not being sure that Miah was in the car at the time of the collision determines that he must be acquitted of that offence. All are guilty of the conspiracy to commit fraud by false representation.