



JUDICIARY OF
ENGLAND AND WALES

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-v-

Charlie Alliston

Sentencing remarks of Her Honour Judge Wendy Joseph QC

Sentencing remarks: The offence of wanton or furious driving or other misconduct for which I must sentence you, Charlie Alliston, was committed on 12th February 2016 but it had its roots in your conduct long before that.

1. You grew up, as you yourself put it, ‘around bikes’ and were an experienced cyclist on London roads. From 2014 you chose to ride a bicycle with a fixed rear hub. Such cycles are designed for track use and have no manual brake. Forward momentum is impeded principally by the cyclist’s ability to force back against the pedals which are directly linked to the rear wheel. Some such bikes have the facility for the adoption of a front-wheel brake operated in the usual way; some do not.
2. It is against the law to ride any bicycle on a public road without a front-wheel brake. It must be obvious to anyone that this is not an arbitrary rule designed to spoil the pleasures of the Charlie Allistons of this world. It is a law designed for the safety of all road users including drivers, cyclists and pedestrians. You, Mr. Alliston, assert that you – despite being an experienced cyclist and regular user of an internet forum specifically for fixed-wheel cycle enthusiasts – were unaware that what you were doing was illegal. It is not necessary for me to make a finding of fact on this point since a) ignorance of the law is irrelevant and b) I am sure that whether or not you knew the law, you knew the danger of riding without a front brake. It could not be otherwise since, relying only on the rear-wheel system, it takes 4 times the distance to stop. That your bike was safer with a front-wheel brake was as obvious to you as to anyone else. I am satisfied of this because you told the court that when conditions e.g. the weather, were what you deemed to be adverse to your safety, you chose to put a brake onto your front wheel; otherwise, you rode without one from 2014 onwards.
3. During the latter months of 2015 you dropped out of school and told the court you worked as a bicycle courier, cycling extensively on the London roads. The

truthfulness of your evidence on this point has been questioned, however, for the purposes of this sentencing it makes no difference, and for these purposes I put it out of my mind.

4. As to why you chose to ride without a front brake and other safety precautions such as wearing a helmet, you deny it was for the thrill of the experience. However on 5th Feb 2015 you posted on a cycling forum the following message: ‘the time when you 1st take your brakes off and feeling like you’re in an @lucasbrunelle movie’. Lucas Brunelle, it seems, makes alley-cat films in which he and his group, often on fixed-wheel bikes speed through city streets, weaving in and out of oncoming traffic, bus lanes and alleys, narrowly avoiding pedestrians, going through red lights, constantly breaking road traffic laws, and riding in a manner highly dangerous to the public and themselves. This is clearly done for the so-called thrill. It was you, in that posting of the 5th February, who drew the parallel between Brunelle’s movies and your riding. I am satisfied that in some part it was this so-called thrill that motivated you to ride without a front brake, shouting and swearing at pedestrians to get out of your way.
5. In January 2016 you up-graded your bicycle. Again you chose one of fixed-wheel design; but this one was clearly made for racing speed and everything about it proclaimed this. It is purely a track bike without even the facility to put on a front-wheel brake. It had no bell to warn others of your approach. It gave you the power to ride faster than before. You were not then working as a courier, and rode it only for the pleasure you got from doing so.
6. You have expressed in this court-room the view that you were a completely responsible rider adjusting your riding to the road conditions. Having heard your evidence, I have no doubt that, even now, after all that has happened, you remain obstinately sure of yourself and your own abilities. I have no doubt you are wrong in this assessment. You were an accident waiting to happen. The victim could have been any pedestrian. It was in fact Mrs. Kim Briggs.
7. When this much-loved wife and mother of two young children set off for work that morning and arrived in the Old St area, she had no reason to think the 12th February was anything other than a normal day, and 12.15 a normal lunch-time. She could not know that, in your words, your girl-friend had told you to go and kill time for ½ hour. The bitter irony of that expression as you used it in evidence will not be lost on anyone. You were cycling at approximately 18 mph down Old St as you approached the traffic lights at the junction with Charlotte Rd. Mrs. Briggs was walking towards you on the other side of the junction. Traffic lights were green in your favour. Mrs. Briggs decided to cross Old St. Whether she saw you and judged she had time to cross, or whether she simply didn’t notice you, I do not know; but I am satisfied on

the evidence that you saw her as she stepped off the kerb. It was clear to you that she was in danger. It was your responsibility as a road-user to ensure you did not run into her. This must have been obvious to you, and you did indeed swerve and slow to between 10-14 mph as you went through the yellow-box at the junction of Old St and Charlotte Road. You shouted at her twice to (in your own words) 'get out of the fucking way'. She reached almost the centre of the road but could not go further because of on-coming traffic. On your own account you did not try to slow any more but, having shouted at her twice, you took the view she should get out of your way. You said in evidence 'I was entitled to go on'. That meant threading a path between her in the middle of the road and a parked lorry on your left. We have together in this court-room watched those final seconds over and over on the CCTV footage that recorded them. When she realised her danger, in the shock of the moment, she clearly did not know what to do or which way to move for the best. The result was that you rode straight into her. If your bicycle had a front-wheel brake you could have stopped, but on this illegal bike, you could not. On your own evidence by this stage you weren't even trying to slow or stop. You expected her to get out of your way. Thus I make it clear that it was not merely the absence of a front brake but your whole manner of riding that caused this accident.

8. You have throughout sought to put your blame on her. Perhaps one of the most shocking things about this case is that you could not and apparently cannot still see any fault in your cycling or judgement. You began by posting messages on line saying she was using her mobile phone, but have retracted that assertion. You have criticised her for crossing in front of you. True it is that she could have walked a little further up the road and waited for the lights to change. True it is that she put herself in the middle of the road. But it was you, Charlie Alliston, who caused the accident by riding a bicycle in a condition that meant you could not stop in a safe distance and by trying to force your way through the gap between a parked lorry and a woman helplessly stranded between you and moving traffic in the opposite lane.
9. You knocked her to the ground and she suffered catastrophic brain injury. She never recovered consciousness. A week later her husband had to make the terrible decision to have her life support removed so that she could die with dignity.
10. It is necessary that I reflect upon the impact of your behaviour. I have read a statement written by Mr. Briggs which describes how his happy, normal, hard-working family was torn apart; how he struggles to explain to his children what has happened, and to give them the security that was theirs before their mother died. He has reflected upon the gruelling anguish of sitting through the trial. Kim Briggs is survived by her parents, a brother and nephews and nieces all of whom have no

doubt been profoundly affected by these events. All this I will bear well in mind as I now move on to consider the right sentence in your case.

11. There are no specific definitive guidelines for this offence but it is appropriate in any sentencing exercise to look at the harm you have done, and your culpability in causing that harm, as well as any relevant authorities i.e. any cases before the senior courts which have thrown light on the approach to be taken.
12. As to the harm you have caused, your misconduct has led to the loss of the life of a woman not yet in middle-age, who had a great deal to give to the world, and should have had many years before her. A husband has lost his partner in life, children their mother. There can be no doubt that the harm caused is of the highest order.
13. As to your culpability, you chose to ride at a speed and on a bike when you could not stop, your attitude being that everyone else would just have to get out of your way. Of course you did not set out to cause the harm you did – but the jury have found that you were aware of the risks and went on to take them. That being part of the offence itself, I must take care not to double count this against you, and I do not. I also bear in mind that Mrs. Briggs chose to walk into the road. However, this was in no sense momentary misconduct by you. Quite the reverse. I am satisfied from your evidence in this court, that your entire course of cycling at that time amounted to callous disregard for the safety of other road users and that your culpability was very significant.
14. As to aggravating factors, I find none beyond those which I have already dealt with under the headings harm and culpability.
15. Before I come to mitigating features, it will be appropriate to deal with the authorities that have been put before me. The maximum sentence for this offence is one of 2 years' imprisonment. Counsel's researches have yielded only three appellate cases in the last 10 years, and only one in the recent past where death was caused by wanton or furious driving or other misconduct, R v Lambert [2008] EWCA Crim 2109, R v Hall [2009] EWCA Crim 2236, and R v Gittoes [2015] EWCA Crim 1608. This is not to say there have been no other deaths or serious injuries caused to pedestrians by cyclists; it is only to say that no other such cases have reached the Appellate Courts. In each of the 3 cases to which I have referred the appellant had accepted his guilt and no doubt had his sentence significantly reduced for his plea and for the remorse which each of them genuinely showed. In two of those cases the sentence upheld by the Court of Appeal was one of 12 months in custody indicating a starting point of 18 months before reduction for the guilty plea. In the 3rd case the sentence was one of 7 months. In noting these cases, I also note that in R v Abdullah and another [2016] EWCA Crim 1868 the Court of Appeal stressed yet again its clear view that attempts

to make comparisons between fact-sensitive cases in order to show one applicant's conduct is less serious than another's is misconceived.

16. I turn now to mitigation. I bear in mind your youth, your clean character and that you yourself have suffered bereavement and have not had the easiest of lives. Your counsel has submitted that you feel remorse but throughout the entire course of the trial I saw no remorse for causing or substantially contributing to Mrs. Brigg's death. I have seen only self-interested fear as to the difficulties it is causing for you. I accept you have had psychiatric difficulties following this incident, involving a short stay in hospital and ultimately a diagnosis of moderate depression. However the documented causes are stress at the prospect of a trial, fear of being sent to prison, and upset at your girlfriend breaking off the relationship. I accept you have said you wanted to kill yourself – I note your girlfriend's comment that you are a controlling person and that you always say you feel suicidal when she has tried to end your relationship. I have also read a recently compiled pre-sentence report in which it is right to note that you express what appears to the maker of the report to be true remorse. If this is right it is welcome no matter that it comes so very late in the day, but I note that in the same breath you continue to insist that you were not at fault and that you did nothing wrong in your riding. In so far as I can give you credit for some understanding and regret for what you have done, I do. I bear in mind the good reference provided by your employer in the barber's firm where you worked for 6 months earlier this year. I find no other mitigation.

17. Your counsel has suggested albeit reluctantly that in the light of the PSR a non-custodial sentence might be appropriate. I make clear for completeness that I have considered not only the report's suggestion but also the sentencing guideline on the Imposition of Community and Custodial Sentences. I have concluded this is not a case where it could be right to suspend the sentence. Bearing in mind all the features of this case the least sentence which I can pass is one of 18 months detention in Young Offender's Institution.

Order for deprivation of the bicycle.

Victim surcharge