

21 December 2018

PRESS SUMMARY

In the Court of Appeal (Criminal Division)
On appeal from the Central Criminal Court
Her Honour Judge Joseph QC
T20187026

The Court: The President of the Queen's Bench Division, (sir Brian Leveson), Mrs Justice Whipple DBE, and Mrs Justice Cheema-Grubb DBE

The President of the Queen's Bench Division, (Sir Brian Leveson):

1. On 28 March 2018, at the Central Criminal Court, Jaynesh Chudasama (who is now 29 years of age) was sentenced by Her Honour Judge Joseph QC to 13 years' imprisonment on each of three counts of causing death by dangerous driving, the sentences to run concurrently. He was disqualified for a total of 13½ years. The sentence was calculated from a starting point of 20½ years reduced to take account of mitigation and the guilty pleas entered at the first hearing in the Crown Court. He now seeks leave to appeal sentence.
2. George Wilkinson, Joshua McGuinness and Harry Rice were friends, all teenagers with a bright future ahead of them. On the evening of Friday 26th January 2018, they were on their way to a 16th birthday party and were walking on the pavement of Shepiston Lane, a single carriageway between Hayes and the M4 which is subject to a speed limit of 60 miles an hour. There were other young people in the vicinity. The applicant, driving an Audi A5, overtook another car at a speed later calculated at 71mph; he crossed a hatched area of the road. The driver of the car being overtaken described the Audi as out of control, the back end swinging out. The car failed to steer around the shallow right hand bend, mounted the footpath and, horrifically, killed the three boys causing another to sustain a minor injury. The driver sought to run away but was detained by the boys' friends. In addition to a trace of cannabis later found in his blood, a back calculation led to the conclusion that he was over 2½ times the legal limit for alcohol.
3. The death of each of the victims in this case is a disaster and tragedy of almost unimaginable proportions for them, their families and their friends; we have read many statements about the catastrophic impact each has had on so many lives. No sentence of the court can assuage that loss. Parliament, however, has prescribed that the maximum penalty for causing death by dangerous driving is 14 years' imprisonment and well established sentencing law and practice requires that the harm caused by the single offence (as opposed to any additional penalty for different offences albeit committed at the same time) does not permit the calculation of sentence to be based on consecutive, rather than concurrent, terms. Prior to consideration of his guilty pleas, this was a case for the maximum sentence of 14 years. The appropriate discount for the pleas, however, was not one third but one quarter. In assessing the sentence prior to discount as 20½ years and discounting to 13 years, therefore, the judge fell into error.
4. The applicant is granted leave to appeal and, in place of the sentences passed, we impose a sentence of 10½ years imprisonment being 14 years less 25%. This will be

imposed on each count concurrent. Compliant with s. 35A of the Road Traffic Offenders Act 1988, the period of disqualification is reduced to 12 years 3 months. The order that the disqualification will continue thereafter until the applicant passes an extended driving test remains in place as does the Victim Surcharge Order. To that extent, this appeal is allowed.

NOTE:

This summary is provided to assist in understanding the Court's decision. It does not form part of the reasons for the decision. The full judgment of the Court is the only authoritative document. Judgments are public documents and are available at: <https://www.judiciary.uk/judgments/>