

**IN THE CENTRAL CRIMINAL COURT**

**REX**

**-v-**

**RASHID ALI**

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**SENTENCING REMARKS**

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1. On 9<sup>th</sup> August 2024, the defendant, Rashid Ali, was convicted of one count of causing death by dangerous driving. The trial, which had commenced on 30<sup>th</sup> July 2024, was heard in his absence, as he had left the jurisdiction to travel to Pakistan and then elected not to return for his trial.
2. The sentence was adjourned to today to enable the parties to provide written submissions on sentence.

**Facts of offence**

3. Shortly after 6pm on 13<sup>th</sup> January 2021, the defendant was driving his Range Rover Sport motor vehicle, southbound on Beaufort Street, SW3. It is accepted that he was driving at a speed of between 39 - 42 mph as he approached the traffic lights at the crossroads junction with Chelsea Embankment, Cheyne Walk and Battersea Bridge. The speed limit in that street at that time was 20 mph, albeit it changed to 30mph to match the

surrounding roads just before the stop line.

4. As the defendant drove towards the junction, the traffic lights changed from green to amber. He was 50 metres away from the stop line when they changed. Plainly, he had sufficient time to stop. Instead, he continued, speeding up, and drove through the lights whilst they were still on amber.
5. At the same time, the deceased, Jack Ryan, aged 29, was crossing the road from the defendant's right to left (West to East) on the Battersea Bridge side of the junction. The defendant struck Mr Ryan with his motor car, throwing him high into the air and onto the bridge road in front of the Range Rover. Mr Ryan received immediate high-quality medical care from passers-by and shortly thereafter from the emergency services. Sadly, his life could not be saved, and he was pronounced dead at 6.36 pm.
6. The defendant's girlfriend was in the passenger seat of the car at the time of the collision. Her phone was used to call the emergency services. The defendant remained at the scene and answered police questions. He confirmed that he had been driving the vehicle. He stated that he had been going at about 30 mph, and that the lights had been green when he went through them. He was breathalysed and his eyesight was tested, all with no issues. A forensic collision investigator attended the scene and carried out tests on the Range Rover. There were no mechanical issues with the vehicle.
7. The defendant was interviewed under caution on 28 January 2021 and answered no comment to police questions.

## **Jack Ryan**

8. I have carefully considered the victim personal statements of Jack Ryan's sister, Ciara Ryan, and his partner, Elizabeth Austin. His sister describes him as a "funny, kind spirited man with a great love for life and a fierce love for his friends, his partner, his family and Aston Villa football club". They speak of the profound impact that Jack's death has had on all who loved him. His partner speaks of the pain at his loss and her sadness at bringing up a young daughter who will never know her father. I am conscious that no sentence will alleviate the overwhelming grief felt by Jack's family, partner and friends. No sentence will ever be adequate when viewed by loved ones who find themselves in such tragic circumstances. I must however arrive at a fair and proper sentence that is in accordance with the relevant guidelines, and which takes into account all relevant factors.

## **Defendant's age and antecedents**

9. The defendant was 26 years old at the time of the offence, his date of birth being 26<sup>th</sup> July 1994. He is now 30 years old. He is a Pakistani national and was in the United Kingdom legally on a student visa at the time of the offence.
10. The defendant has held a full United Kingdom driving licence since August 2014. He has one conviction recorded against him for an offence of driving without insurance in 2016; he was fined, and his licence was endorsed with 6 penalty points (those points had expired by the time of this offence).

## **Sentence - Death by Dangerous Driving**

11. The maximum sentence for an offence of causing death by dangerous driving committed prior to 28th June 2022 is imprisonment for 14 years, or an unlimited fine, or both. The maximum sentence was increased thereafter to life imprisonment.
12. The Sentencing Council has issued definitive sentencing guidelines for causing death by dangerous driving. In light of recent case law, in particular, *R v Ahmed [2023] EWCA Crim 281*, the current guidelines apply to this offence, subject to the maximum sentence not exceeding that which was in place at the time of the offence.
13. The prosecution contend that the defendant's culpability is at 'level B' on the basis that his offending falls between the higher and lower levels, with speed that was inappropriate for the prevailing road or weather conditions and a decision to ignore the rules of the road (the latter is a category A factor). The defence argue that the case falls within 'level C' given the nature and relatively short duration of the driving; they submit that it is one level up from careless driving. In the alternative, it is submitted that the mitigation reduces his culpability to level C.
14. I have carefully considered the submissions on both sides. I have concluded that this case falls within category B. I do accept that the offence does not involve prolonged or persistent dangerous driving of a type which is so often seen in these cases. Accordingly, it is towards the lower end of the category range.
15. The aggravating factors are:

- a. The victim was a vulnerable road user (pedestrian).
- b. There was a passenger in the offender's vehicle
- c. The location and timing of the offence (dark and wet conditions, busy streets).

16. Mr Scobie KC submits that Jack Ryan's actions contributed to the collision, because he failed to comply with the Highway Code for pedestrians, in that, he ran between vehicles in dark clothing and with his air pods in. Whilst Jack Ryan might have been more visible to drivers if he had been dressed differently, the fact remains that the principal cause of this collision was the defendant's deliberate failure to comply with a traffic signal, which he travelled through whilst driving in excess of the speed limit on a dark, wet road.

17. I do accept that the crossing was a dangerous one at the time of these events. This is clear both from the number of prior collisions at that location and the fact that it was subsequently altered to make it safer. Pedestrian phasing lights were later installed.

18. The mitigating factors are:

- a. The defendant's conduct in the immediate aftermath of the accident: he ensured that the emergency services were called, he stayed at the scene and he answered all questions asked of him.
- b. Although he did express remorse at that stage, I have to view that in the context of his later failure to attend for his trial.
- c. He does not have a history of poor driving.
- d. He has only one conviction for no insurance. This will be his first custodial sentence.

- e. He was sober (so there is an absence of the aggravating factors of drink or drugs).
- f. He comes from a law abiding, decent family.
- g. There have been significant delays in the proceedings. The defendant was charged on 3<sup>rd</sup> April 2023, over 2 years after the offence. His original trial was listed on 19th February 2024 and was vacated due to a lack of court space caused by a fire at this court. He has had the anxiety of these proceedings hanging over his head for some time, although I must emphasise that these delays do not in any way excuse his subsequent decision not to attend his trial.

19. I have read the letter sent through to the court by the defendant. He expresses remorse in that letter and apologises to Jack Ryan's family. He states that he does intend to return at some point to serve his sentence. I am unable to accept that assurance, given the history of his conduct during the trial.

20. As I have said, I am satisfied that this case falls towards the bottom of the category B range. The range being 4-9 years' custody. I consider that it falls at 5 years' custody. I consider that the aggravating factors and mitigating factors balance each other out, so that **the appropriate sentence is one of 5 years' custody**. When the defendant returns to this country and is arrested, he will serve half of that term before being released on licence.

21. I have considered the dangerousness provisions. This case does not meet the criteria therein. Accordingly, I do not impose an extended sentence.

### **Ancillary orders**

22. I am obliged to disqualify the defendant from driving for a minimum of two years and until he has passed an appropriate extended driving test. I consider the appropriate disqualification period to be 3 years. I have imposed a determinate custodial sentence, therefore, the disqualification imposed must be extended by a period equal to one-half of the custodial sentence imposed. Accordingly, I must add 2 and a half years to the disqualification period. **The defendant is disqualified from driving for 5 and a half years and until he passes an extended driving test.**

23. The prosecution applies for a contribution to the costs of £4,380. I am told that the defendant is in work and would not have difficulty in paying that. I am also told that he will make payment even though he is out of the jurisdiction. On that basis, I order the defendant to pay £4000 towards the costs and I allow him 6 months to make that payment.

24. The victim surcharge applies – the sum is £190.

25. The defendant remains subject to a warrant not backed for bail. As and when he attends or is brought before the court, proceedings in respect of his offending against the Bail Act 1976 will be initiated. He will receive further punishment at that stage.

HHJ Judy Khan KC  
Central Criminal Court  
13<sup>th</sup> September 2024