

REX V. IAN BROTHERTON.

SENTENCING REMARKS

1. On 3rd January this year you pleaded guilty to causing the death of Christopher Guedes on 12th October 2023, by careless or inconsiderate driving and I must now sentence you.
2. Christopher de Carvalho Guedes was 26 years of age at his death. Moving victim impact statements from his wife and his family have been provided and one combined statement read as part of this sentencing hearing. Christopher's father speaks of last seeing his son on 22nd August 2023, when he left Brazil by plane to travel to the UK. He, along with Christopher's mother, sister and brother speak of the huge gap that has been left in their lives through Christopher's death. Christopher's partner, Jennifer, speaks too of the acute loss they have all suffered. Life will never be the same for them. It is clear to me that Christopher was much loved by all who knew him. He and Jennifer had plans for their lives together and hoped to have children, but as Jennifer says, those plans and dreams have been shattered through the events of 12th October 2023.
3. On 12th October 2023, you were on duty with PC Jones when a call came through with the report of an incident where a child was being strangled. That call had a Grade 1 rating meaning officers should aim to respond to it within 15 minutes. When received, you and PC Jones were in a police van on the A10, Great Cambridge Road, Enfield, a distance of just under 2 and a half miles away. The blue lights and sirens of the police vehicle you were driving were activated and you turned from the Great Cambridge Road onto Southbury Road.
4. Once you had manoeuvred the junction to Southbury Road you accelerated quickly. There is a 30mph speed limit in place. Although predominantly a two-way single carriageway road, initially there are two lanes for vehicles on the eastbound carriageway coming from the A10. One of these lanes then becomes a bus lane, which was operational at the time of the collision, with an additional lane for other vehicles.
5. As one approaches the junction of Southbury Road with Baird Road, the eastbound road widens to three lanes. The bus lane becomes a dedicated left turn lane for vehicles to head

north in Baird Road, the middle lane is for vehicles to continue in Southbury Road and there is a dedicated right lane for vehicles to turn into the entrance to a retail car park. There is a traffic light controlled junction on Southbury Road, where it meets Baird Road. Christopher Guedes was on a moped in Baird Road, intending to turn right into Southbury Road.

6. As you approached the junction the traffic lights were on red, against you. Footage from within the van you were driving shows you accelerating as you approached the red light, reaching a speed of 47 mph in the moment before impact. As you drove through the red light, Christopher Guedes turned right out of Baird Road, across your lane, and was hit. He was flung onto some railings and the impact caused significant head trauma. Very sadly he died just after midnight at 00.30 on 13th October 2023.

7. In your written basis of plea, which has been accepted by the prosecution, you say that you continued along Southbury Road towards the junction with Baird Road. The traffic lights at this junction were red. No traffic was however crossing in front of you. You believed the sirens and lights would be obvious to other road users. Upon approach, the junction appeared to be clear. A bus could be seen waiting by the traffic lights on the southbound lane of Baird Road. You believed that traffic in Baird Road was holding back to allow you to pass. Then this. *“Unfortunately, the Defendant’s perspective of traffic from Baird Road was limited by a white wall running around the corner where Southbury Road meets Baird Road and a tree positioned on the northwest corner of the junction. The Defendant did not see Mr Guedes emerge until it was too late. The Defendant accepts that he should have approached the junction at a slower speed and should have anticipated a vehicle may try to emerge. This was a momentary lapse of judgment over a couple of seconds. The Defendant accepts his manner of driving fell below the standard expected of a careful and competent constable.”*

8. As a trained police driver driving in connection with your duties and where your training was up to date, your driving must be judged according to those standards. Footage of the incident has been the subject of expert analysis. It has also been played in court as part of this sentencing hearing. The weather was fine, the road surface dry and there was good visibility. The conclusion of the expert analysis is that your positioning was poor in relation to the hazards this type of junction presents.

“In positioning his vehicle in the way he did he increased his risk of coming into conflict with a vehicle emerging from the restricted view to his left.

“From the evidence I have viewed he had a good view of traffic approaching him from the opposite direction and potentially joining from his right, therefore he should have approached the junction towards the centre of the road in order to afford himself the best view into the roads joining Southbury Road.”

“His training would have highlighted the need to position a vehicle away from an unknown hazard in order to give him the best view possible.”

“His speed was excessive as he approached the junction making no allowance for dealing with the actual or potential presence of other road users”.

“His practical and theoretical training would have highlighted the requirement to treat red traffic lights as a stop or give way junction.”

Sentencing Guidelines.

9. The maximum sentence for causing death by careless driving is one of 5 years' custody. No sentence can turn back time, nor can it be equated to the loss of life. No sentence this court can pass could ever reflect the depth of grief suffered by those who mourn the loss of Christopher.
10. I agree with the submission made that this case is one within level B as to culpability. Whilst it is an unsafe manoeuvre to travel through a red light at speed, you were doing so for a prescribed policing purpose. At level B the start point for sentence is one of 12 months' custody with a range of 26 weeks to 3 years' custody. In terms of the listed factors increasing seriousness, the victim here was a vulnerable road user as he was on a moped. Of the factors reducing seriousness you are of good character, were responding to a genuine emergency and have demonstrated remorse. In my judgment, taking into the facts of the case and the aggravating factors and mitigating factors, the start point would be below 12 months by a modest margin. Your plea of guilty to causing death by careless driving was indicated at the lower court and the prosecution asked for time to consider it. They accept that you are entitled to full credit.
11. There are a number of character letters. They come from close family and friends: all people who know you well. They speak of your many attributes, the remorse you have expressed and the impact of this offence on you. I have no doubt from all I have read that you are

someone who continues to feel genuine remorse for what happened and also that you will never forget what you did and what happened on the 12th October 2023. It is clear from all that is written about you that the impact has been considerable.

12. I have seen and read a very helpful pre-sentence report. You are 32, married and prior to joining the Metropolitan Police five years ago in March 2020, had worked as a prison officer. You are still employed by the police but it may well be the case that you are dismissed from service as a result of this offence. Whilst distressed at the prospect of losing your career, you have adopted a pragmatic approach, and are considering other jobs and retraining.
13. Before allowing for plea, on the guidelines, a sentence of 9 months' would be appropriate. Allowing for plea, a sentence of 6 months. I need to have regard to the imposition guidelines and consider whether even though the custody threshold is passed, immediate custody is inevitable. Having considered all that I have seen and read, as there is strong personal mitigation and being conscious of the potential significant impact on you and others of immediate custody, I propose to suspend the sentence.
14. For the offence of causing death by careless driving on count 2 there will be a suspended sentence order of 18 months' duration. There will be a custodial term of 6 months which will be suspended for 18 months. If in the next 18 months you commit any offence, whether or not it is of the same type for which I am sentencing you today, you will be brought back to court and it is likely that this sentence will be brought into operation, either in full or in part. Also, over the next 12 months you must complete 150 hours of unpaid work. That means that you must attend when directed to complete those hours of unpaid work. If you fail to comply with this requirement you will be in breach of this order, which means that you will be brought back to court and you will be liable to serve the sentence, either in full or in part.
15. Your licence will be endorsed and you will be disqualified from driving. An interim order of disqualification was imposed on 3rd January 2025. The period of the disqualification must be at least 12 months. In the light of your age and otherwise good driving record, you will be disqualified for a total period of 30 months. That period runs from the 3rd January 2025.
16. If the victim surcharge applies, the order can be drawn up accordingly in the appropriate amount.
17. As to costs, you will pay the sum of £1,500 towards the costs of this prosecution. That sum to be paid within 3 months of today.

18. I would ask that these sentencing remarks are passed to the College of Policing along with details of the case so that any further training issues are identified but also so that further consideration can be given to guidance on the speeds of police vehicles responding to emergencies on the roads in London. This was a road with a 30mph limit, there are many roads now with 20mph limits.

Recorder of London
His Honour Judge Mark Lucraft KC
Central Criminal Court,
London EC4M 7EH
February 27th 2025.