

THE CROWN COURT AT NEWCASTLE UPON TYNE

10U40213425

10U00098425

REX

-V-

MAZYAR AZARBONYAD

SENTENCING REMARKS

Offences

- | | | |
|---------|---|---|
| 9.4.25 | - | Dangerous Driving; Failing to stop x 2, DOTIL, No Insurance |
| 11.4.25 | - | DOTIL, No Insurance |
| 12.4.25 | - | DOTIL, No Insurance |
| 13.4.25 | - | DOTIL, No Insurance |
| 15.4.25 | - | DOTIL, No Insurance |
| 16.4.25 | - | DOTIL, No Insurance |

Court History

1. MA appeared before the Magistrates on 19.4.25 and pleaded guilty to all matters at the first available opportunity. He was committed for sentence on bail.
2. He was first listed for sentence at the Crown Court on 20.5.25. The case was adjourned for enquiries in relation to contested driving convictions from 26.3.24 in relation to offences of DOTIL & No Insurance dating from 16.9.23. From the package of evidence and the commendably detailed report from PC Rush, I am satisfied that those convictions relate to this Defendant, moreover, his response to them, was to indicate his error through ignorance, his understanding of his legal position and the assertion that he would not commit such offences again.
3. He is 20 years old. I will come to his background & circumstances in due course.

Summary of Events

4. Just after 1:50am on the morning of 9.4.25, you were driving a BMW X5 that you had purchased on finance some time earlier; despite having only a provisional licence , despite having no insurance cover; despite admitting that you had only paid for 3 driving lessons. You should have been nowhere near the driving seat of any vehicle, let alone such a large and powerful SUV, in such circumstances.

5. I do not accept that you did not fully understand that position and the legal requirements, as opposed to those in Iran. You were 14 when you left that country and you have been in this country for 6 years. Whether resident or visiting, it is incumbent on anyone to know and abide by the law. In addition, as I have just indicated, your previous stop in 2023 means you were well aware of your failure to keep to the rules.
6. You were in the company of a young lady you had met for the first time the previous evening. There is no suggestion that she knew of your driving record or lack of experience. As you drove her home from your address in Stanley to Gateshead, you were observed by PC Wilson driving in excess of the speed limit and with a defective rear light. As he directed you to pull over, you did so initially on Swalwell Bank. But, as he approached your vehicle on foot, you said 'Nah' to your passenger and made off at speed. Whether or not you were made aware of the small amount of cannabis in her possession, I am satisfied you made a deliberate decision to make off, substantially because of your unlawful driving position.
7. The officer lost sight of you initially. But then saw you again, notably, about 30 minutes later and, despite being fully aware of the requirement to stop and blue lights pursuing you, you compounded matters, accelerated aggressively and to a speed over double of the residential area speed limit in Swalwell, nearly losing control on a bend on Hexham Road, travelling onto the slip road of the A1, hitting a kerb before heading north onto the dual carriageway towards the river Tyne.
8. Fortunately traffic was relatively light, but there were other vehicles including HGVs present. As other police vehicles joined the pursuit, your speed continued to rise to a hair-raising level, in excess of 120mph. Your passenger reports pleading with you to slow down and stop, believing that you were going to kill someone.
9. As you drove towards the A69 turn-off, officers concerned about your deteriorating driving behaviour, sought to move in to contain your vehicle, in the way they are highly trained and experienced in doing. Just as dangerous as your high speed had been throughout, was your action in braking harshly and rapidly coming to a standstill in one of the outer lanes of the 4 lanes at that point. Instead of coming to your senses and doing so in a measured way. Onboard equipment on the other vehicles showed a slowing from 119mph to 0mph in a matter of metres, your vehicle colliding with them; a further vehicle travelling behind and trying to catch up and keep pace, collided more heavily. Several officers had to be cut from their vehicles in traumatic circumstances.
10. From seeing the onboard camera and helicopter footage, as well as the photographs of the damage, it is nothing short of a miracle that no one was more seriously injured or that there were not multiple fatalities.
11. That said, it is clear from the VPS I have read that several people were injured: PC Philipson is described as sustaining serious soft tissue damage to her knee and nerve damage to her back. She spent 3 days in hospital and her full recovery is expected to take 6 months. She has been deeply affected psychologically by these events. PSgt Rutherford sustained a deep cut to his forehead that required stitching, concussion and whiplash type injuries. Your passenger and others more minor knocks. There was also the consequential emotional harm to the family and friends of those involved, fearing the worst on hearing the news.
12. There was also, obviously, substantial damage caused to multiple vehicles and the unavoidable closure of the A1 in both directions for many hours including the morning

rush hour, for the inevitable investigation and clear-up, led to regional traffic chaos, misery for many travellers, not to mention substantial loss of work and study hours for those caught up in the aftermath of the closure for 13 or 14 hours. A precise figure is impossible to calculate but, conservatively, I have no doubt it would run into many tens, if not hundreds of thousands of pounds. None of which you were insured to cover.

13. None of that would have occurred if you had not been driving or had complied with the request to stop initially. The Police are obliged to pursue people committing serious road traffic offences and those that do drive dangerously must face the consequences of creating the need for such a legitimate pursuit.
14. Perhaps somewhat surprisingly, you were granted bail. You then chose to ignore immediately and repeatedly the road traffic laws, by driving alone as a provisional licence holder, using another vehicle borrowed from a friend who should have known better, on 4 separate occasions in the next week or so.
15. Your justification was pathetic: that you needed to work, without any suggestion of considering any other method of transport that would not involve the breaking of the law, let alone after such a serious event. It provides no mitigation that you thought that was a sufficient reason for further driving without a licence or insurance.

Personal circumstances

16. I have read the thorough PSR. You travelled effectively alone as a 14 year old child from Iran to avoid persecution you and your family were suffering. After prolonged periods in immigration centres and foster placements, you have been granted leave to remain and been designated refugee status by the Border Authorities.
17. Your education was interrupted as a result. But you were a capable and relatively intelligent student. You were able to find employment that you were engaged in until your offending, to your credit.

Sentencing Guidelines

18. In determining the appropriate sentence, I am bound to have regard to Sentencing Council guidelines in relation to the offences themselves. But also overarching guides in relation to credit for plea, totality, the imposition of custodial and community sentences and to have some measured regard to that relating to sentencing of young people.
19. It is important to make clear to anyone reporting or hearing about this case that they understand that the maximum sentence after a trial for dangerous driving, where no serious injury has been alleged to be caused, is set by Parliament at 2 years custody, whatever the level of harm that flows from it. In addition, offences of DOTIL, no insurance, failing to stop are all non-imprisonable, no matter how blatant or often they are committed.
20. Your dangerous driving is, in my view, should be categorised as:
Culpability - 'Category A'
 - Prolonged, persistent & deliberate course of driving;
 - Committed in the course of evading the Police;
 - Speed significantly in excess of the speed limit;
 - Deliberate decisions to ignore the rules of the road and disregard the danger;
 - Persistent disregard of the warnings and requests of your passenger.

Harm - 'Category 1'

- Offence resulted in injury to a number of others;
 - Damage caused to multiple vehicles with a consequential economic impact following the necessary road closures.
21. By itself, it is difficult to imagine a worse single offence of dangerous driving, without serious injury or death resulting, with such a combination of high culpability & the highest level of harm. The inevitable conclusion is that, by itself, after a trial and without considering any mitigation, it would result in the maximum permitted by law for an adult. Your position is obviously aggravated by the previous convictions in 2024 & the subsequent behaviour the following week, albeit, I am bound to remember & reflect they were of themselves, non-imprisonable.
22. But I am bound to consider the following specific areas of mitigation:
- Your personal circumstances from the age of 14 years & how you came to be in the country;
 - The lack of any serious offending previously;
 - Your employment record;
 - Your still relatively young age, & separately that you have not reached full maturity of an adult, as identified by the Guidelines, albeit the latter is more limited as you are not a youth.
 - Most significantly, your guilty pleas, requiring a maximum reduction of 1/3 from the appropriate sentence after trial.
23. I am then bound to go on to consider factors that may indicate that it is appropriate to impose a community based penalty or a suspended sentence of custody. Regrettably, the prospect of rehabilitation, whilst still present, is diminished by your persistent failure to abide by basic road traffic laws in the aftermath of the dramatic events of 9.4.25.
24. But, in any event, it is overwhelmingly the case that the gravity of your dangerous driving demands an immediate sentence of custody. Had you had a trial, the sentence would have been 21 months. Giving you such credit for plea as appropriate:

Sentence

25. Dangerous Driving:
14 months YOI, less 22 days QEMC.
Disqualification from driving for 3 years, extended under S35A RTOA 1988 by 6 months & until you take an extended driving test.
You are likely to serve 40% of that sentence before being released conditionally. If you do not abide by the conditions or commit any further offences, you may be returned to serve the balance of the custodial term.
26. All other offences: NSP x 14, LE.
27. Statutory Surcharge with a Magistrates' Court Collection Order.

HHJ T J Gittins

2nd June 2025

The Crown Court

Newcastle upon Tyne