

IN THE CROWN COURT AT PRESTON
BETWEEN

REGINA

-v-

DYLAN GREEN

Sentence remarks

Guilty pleas and ancillary orders

You pleaded guilty to causing the death of Bartholemew (known as “Bart”) O’Hare by dangerous driving and causing death by driving whilst uninsured. Those pleas were entered at an adjourned PTPH. You will receive 25% credit for your pleas.

You are also to be sentenced for your part in Operation Select. You entered a guilty plea to a single count of supplying MDMA between 26th July 2023 and 7th October 2023. That plea was entered at an Full Case Management Hearing (FCMH). You will receive 25% credit for that plea also.

If the victim surcharge applies in either or both sets of proceedings, the order should be drawn up in the appropriate amount.

Causing death by dangerous driving

(Mr O’Hare)

Let me first say something of Mr O’Hare. I am most grateful to his daughter Marika Mausolf who has provided a Victim Personal Statement and read it to the Court. She describes the immediate pain of learning of him being injured. The family spent days praying for him until, sadly, he died. She expresses her consternation at your selfishness

and lack of remorse – of which I will say more in due course. Then she speaks most eloquently on behalf of her whole family at the profound sense of loss and ongoing impact of his sudden and completely unnecessary death at your hands. She speaks of what he meant to his family but also of what he did within his community and contrasts that with your thoughtless selfishness.

No sentence I can impose can even begin to put right what you did that day. I can only pass the appropriate sentence in law.

May I thank Ms Mausolf for her statement.

(The facts)

You were 18 at the time of the offence and 19 at the time of plea. You are currently 20.

These are the facts of the offence. At about 16:15 hours on 22nd March 2024, you were riding an e-bike along Inglehurst Road in Burnley with your girlfriend on the pillion.

Neither of you were wearing a helmet, and you were not insured nor had you passed the compulsory basic training test. You should have been wearing a helmet. You should have been displaying L plates. You should have passed a basic test. You should have been insured. You should not have had a pillion passenger.

You began to weave the e-bike from side-to-side in the middle of the road before turning left onto the main Accrington Road. It is clear from the video footage that, whilst the conditions were dry and clear, Accrington Road was a busy main road. Notwithstanding that, you pulled a 'wheelie', which you maintained for approximately 37 metres. Of course this meant that you had a restricted view of what lay ahead and you were far less in control of the bike. Just before you struck Mr O'Hare the physical evidence suggests that you returned both wheels to the road but it was too late.

Mr O'Hare, who was 86 years old at the time, had been on the pavement next to Accrington Road apparently trying to cross. He went to cross the road. You drove your e-bike into him with such force that he was thrown into the air. This was witnessed by Emily Quintana who saw the unfolding situation. She noted that you did not slow down but drove into him. She said she realised there was going to be a collision before it actually happened. You and your girlfriend fell off the e-bike. Instead of staying to help the man you had struck, you both got

back onto the bike and drove off. Your only concern was to look after yourself. As you fled you drove at speed and, at points, on the pavement. You left Mr O'Hare motionless, laying face down bleeding hard from the head with his glasses lying in the road. You did later return to the scene and identify yourself as the driver. However, this was about 45 minutes after the collision and only after you had taken care to get rid of the e-bike which you must have known was important evidence. In the moments after the collision you left it to others to look after him. He suffered grievous and ultimately fatal injuries including a fractured right clavicle, fractured right ribs 6-11, a right sided skull fracture and intracranial haemorrhage. He was transferred to the critical care unit but despite further intervention, he died on 31st March 2024.

When you did return to the scene it was only after you had disposed of the bike and too late to offer any help.

At the time of this offence you had no previous convictions, cautions or warnings though you were on bail for the drugs matters which I will consider in a moment. The bike was never recovered. I have no doubt it was your intention to ensure it could not be found. You admitted to the author of the PSR that it was capable of speeds of up to 50 mph. No doubt that is why you were so keen to dispose of it.

Operation Select

I must also sentence you for your part in Operation Select. Any reporting restrictions in that case in relation to other Defendants apply also to this matter.

I give a very brief summary of that case. XY was the organiser of an enterprise selling cocaine, ketamine and MDMA at both wholesale and street level. DM, his brother, supplied principally at street level. PY bought wholesale amounts of drug from XY and supplied them on. OQ was in the same category.

You pleaded guilty at an FCMH on 6th September 2024 to Count 3 on the indictment at B5 on that case. That count alleged supplying MDMA between 26th July 2023 and 7th October 2023.

As stated above, you are 20 years old. At the start of the indictment period you were 17 – though only 2 days short of your 18th birthday. At the end of the indictment period you were 18 and 3 months. You were 19 when you pleaded guilty.

XY received a 3 years Youth Rehabilitation Order with Intensive Supervision and Surveillance. He was 16 and 17 at the time of offending.

DM received a 3 year long Community Order. Although he was older than XY he was adjudged to be developmentally younger.

OQ received a sentence of 3 years and 9 months in custody. He is a man in his 40's.

TW pleaded guilty to assisting an offender and was in a very different position. He received a suspended sentence order.

PY's case was remitted to the Youth Court.

Your background

I have read the reports of Dr Shaw and Dr Wass dated 14th May 2025 and 18th June 2025 respectively. I have read the Pre-sentence Report and its recently uploaded addendum. I note your disrupted childhood and education. You have no caring responsibilities. You have some background of mental health difficulties. You have made suicide attempts. You say you have PTSD as a result of this accident which you yourself caused. Dr Shaw does not agree that you have this condition though you do have some symptoms. You have no psychiatric conditions.

There is some suggestion that you have an oppositional defiance disorder and behavioural problems. Your Full Scale IQ test is very low as are your verbal skills, perceptual reasoning, working memory and processing speed. You meet the criteria for ADHD. None of this appears to mean you are less culpable for these offences though it will affect how you cope in custody and I treat it as some mitigation.

Overarching guidelines

Given your age I take account of the guidelines for sentencing children and young people. You were not a child at the time of any offending (apart from at the very start of the drugs offending) but I remind myself that maturity is not automatically conferred at 18. I take account of the need to prevent offending by young people. Your rehabilitation and welfare must be important considerations. However, all acknowledge that this is a case where, for the driving matter, the sentence must be one of immediate custody.

I also bear in mind the guidelines for sentencing those with mental health difficulties. As your counsel concedes this is not a case where there is a clear link between your offending and the problems which you have. Nonetheless, you will find custody more difficult as a result of your particular issues. I take that into account.

Offence Specific Guidelines

Stand up.

Turning now to the offence specific guidelines, I consider that, for causing death by dangerous driving, this case fits within culpability A.

That gives a starting point of 12 years with a range of between 8 and 18 years.

The aggravating features include that Mr O'Hare was a vulnerable road user, you were on bail, the other offence committed at the same time and that you failed to stop and disposed of the bike.

The principal mitigation is your youth and personal difficulties which I have set out above. Whilst you are undoubtedly sorry to have been caught I do not detect any real remorse. Indeed in your PSR you seem to accept little if any responsibility.

The sentence after trial would have been 11 years. The sentence for an older person without your characteristics would have been far longer. With credit, that gives a sentence of 8 years and 3 months in a Young Offenders' Institute ("YOI").

For causing death by driving whilst uninsured there will be a concurrent sentence of 4 months in a YOI. Your licence will be endorsed with both offences. This gives a total sentence of 8 years and 3 months YOI.

For the offence which is part of Operation Select for an adult your involvement would have placed you at lesser role category 3 with a starting point of 3 years. Given that you are to receive a lengthy custodial sentence for the driving matters, I cannot impose a non-custodial sentence in relation to the drugs matters. However, had I been sentencing you for the drugs matter on its own I would have been likely to reach the conclusion that, although you offended and pleaded as an adult, it would not have been appropriate, bearing in mind your welfare and the principal aim of the Youth Criminal Justice System to send you into custody for that offence alone. That being the case, I

will not add to your sentence by passing a consecutive term. I have already taken into account the fact that you killed Mr O'Hare whilst on bail. However, given your age and the need to give you some hope, I do not add further to the sentence. I mark your offending by imposing a 12 months sentence in a YOI for the drugs matter. That will run concurrently with the sentences imposed on the driving matters.

The effect of the sentence

So the total sentence remains 8 years and 3 months YOI. You will serve up to two thirds of that sentence in custody before you will be entitled to be released. Upon release you will be subject to licence. If you breach the terms of that licence you will be liable to be recalled to serve the remainder of the sentence.

Disqualification

But for your being sent into custody I would have disqualified you from driving for 7 years. I also note that you were disqualified on an interim basis on 19th June 2025 – 2 months ago.

Because you have already served two months of your disqualification I reduce it to 6 years and 10 months and then I add an extension of 5 years and 6 months to reflect the time you will be in custody giving a total disqualification of 12 years and 4 months. You cannot hold a licence until you have passed and extended driving test.

HHJ Altham

18th August 2025

