



JUDICIARY OF
ENGLAND AND WALES

Case No: U20130638

MERTHYR CROWN COURT CASE
HEARD AT CARDIFF CROWN COURT
The Law Courts, Cardiff CF10 3PG

Date: 29/11/2013

R

-v-

Darren Steven Jarvis

Mr Nicholas Jones (instructed by The Crown Prosecution Service)
Mr John Charles Rees (instructed by The Gwyn George Partnership) for the Defendant

Sentencing Remarks

Mr Justice Stewart :

1. After a trial lasting almost two weeks you, Darren Steven Jarvis, were convicted by a jury of two counts of causing death by dangerous driving. On the afternoon of 30 August 2012 you drove your Nissan Skyline motor car in a way which fell far below what would be expected of a competent and careful driver. The jury rejected your defence based on the hypothesis that you had an epileptic fit and that this was the reason why your vehicle lost control. I accept that, as a result of this accident, you immediately had a seizure. I also accept that you have no recollection of your driving prior to the accident, or of the accident itself. You were driving a high performance sports car along A4059 Aberdare bypass from Aberdare town centre between Tinney's roundabout and the Asda roundabout. Witnesses following you described how, having been driving at a normal and proper speed in the region of 45 miles per hour in the 60 mile per hour limit, you suddenly accelerated. Mr Davies said that it was like an American hotrod starting off. He could hear the roar of your engine. Mrs Davies' statement said that your car made a noise like a jet; the back wheels spun, kicked up a lot of dust and zoomed off. Kayleigh Smith and her mother Wendy Jones described how they heard a Vroom noise. The witnesses used words such as "*dramatic*" "*pointless*" and "*wholly unusual*". It was totally unexpected and a shock. Your car accelerated to a huge degree.
2. Although there was some evidence suggesting that it took place at an earlier stage, I am sentencing you on the basis of the balance of the evidence, namely that this sudden acceleration took place near to the road bridge on the by pass. You then almost immediately lost control at or near to the left-hand bend. The nearside wheel of your car rode up the chamfered face of the kerb to its near-side. The agreed expert evidence is that this would have caused no speed loss. Your tyre rolled across the near-side grass verge along a continuous right-hand arc as your vehicle travelled along the grass, before returning to the carriageway. It then yawed clockwise across the carriageway before crashing into Mr Stawski's Citroen motor car which had been travelling in the opposite direction. The agreed engineering evidence is that the probable range of impact speed of your car was between 47 to 54 miles per hour. Witnesses described you as struggling with the steering wheel in a vain attempt to control the car.
3. I have to take into account that the engineers agree that the probable speed of your car at the start of the tyre marks was between 65 and 71 miles per hour and, as I have said, your vehicle would not have lost speed when it went onto the grass verge.
4. From the point of the tyre scuff mark, which is the first physical sign of your loss of control, to the point of impact with Mr Stawski's motor car was a distance of some 62 metres.
5. Another important feature of the agreed engineering evidence is that your car suddenly accelerated at some unknown point prior to impact, the engine achieving very high recorded revolutions per minute which were maintained throughout. Indeed Mr Rees suggested to the jury that this was indicative of you suffering at that stage from a seizure in which you uncontrollably had your foot pressed hard against

the accelerator. You clearly did have your foot pressed hard against the accelerator, but this was a deliberate act.

6. Nobody should underestimate, especially you Darren Steven Jarvis, the suffering you have caused to others by what you did on that day. I have read carefully, and we have heard today, the victim personal statements from Sian Williams, the widow of Lee Williams and Joanna Osinska, the partner of Jacek Stawski. Their lives and those of their children, family and friends have been irreparably and gravely damaged. A particularly harrowing detail was that as a result of the legal consequences following upon the deaths, they had to wait nearly three weeks and six weeks respectively before they could obtain the body of their loved ones back for burial. In addition Paula Evans and Richard Thorne have also suffered from witnessing the tragic consequences of your dangerous driving.
7. A prison sentence must be the inevitable consequence of your action. The question is for how long. As Ms Osinska said prison will not bring back the deceased to their families. Nor can prison in any way reflect the loss suffered by them. The sentence is not meant to be, indeed cannot be, a question of what a life is worth. It is intended to be a punishment and a deterrent.
8. I have to take account of guidelines set down by the Sentencing Guidelines Council for this type of offence and take account of the aggravating and mitigating factors in your case.
9. The principal harm done by an offence of causing death by dangerous driving, namely the deaths caused, is in itself an element of the offence. I have to recognise that. In terms of the level of seriousness the driving, albeit serious, was not the worst standard of driving. It was not prolonged and persistent; nor was there any suggestion of consumption of alcohol or drugs, for example. I have to take account of all the factors in the driving as I have described. You were in a very powerful car and you accelerated extremely fast on or near to a bend. It was not a severe bend but the manner of your driving was such that you completely lost control. Mr Rees has submitted that this driving was Level 3. I accept this is correct given the maximum speed and given that the dangerous driving took place over a short period. It could not be described on the hard evidence as greatly excessive speed, racing or competitive driving against another driver which would be necessary to make this a Level 2 case. Level 3 is driving that creates a significant risk of danger. The sentencing range for Level 3 is 2 to 5 years imprisonment. The starting point is 3 years imprisonment.
10. It is an important aggravating factor in your case that there were two deaths. Whilst it is an important aggravating factor, it does not meet the criteria in paragraph 21 of the Guidelines so as to justify a higher level. Inevitably the degree of harm caused by two deaths is greater. I will impose concurrent sentences of imprisonment, since this was one episode of dangerous driving, but each individual sentence must be higher because your offence was aggravated by the fact that more than one death was caused. Indeed this factor, in my judgment, substantially raises the suggested starting point from 3 years to near the top of the permissible bracket.

11. However, I must then take account of the mitigation. A mitigating factor is that you yourself were seriously injured in the accident. I am required to take this into account. You suffered a seizure as a result of the accident and the medical evidence from Dr Quirke shows that your brain injury has caused cognitive and psychological difficulties. You have poor attention, reduced memory function, poor organisational skills, poor logical and abstract reasoning and changes to your language skills. You have low mood anxiety and obsessive rumination over the accident and suicidal ideation. There is the prospect of some further recovery but Dr Quirke's opinion is that it is very unlikely that you will recover to your previous level of functioning and that you will continue to experience cognitive and psychological consequences of your brain injury in the long term. Dr Quirke's opinion is that a custodial sentence will have a significant and detrimental affect on your cognitive and psychological wellbeing. He considers that you will be at risk of being retaliated against by other prisoners since you have difficulties controlling your speech, meaning that you are over talkative, repetitive and unable to monitor a conversation or pick up on social cues. This is likely to be poorly tolerated by people without understanding of your brain injury. In addition to this you are at risk of getting into verbal and physical confrontation with others since you have poor reasoning skills, are impulsive in your behaviour and have shown aggressive tendencies towards others following your brain injury. Dr Quirke says that you require close monitoring and support from the forensic psychologist/psychiatrist within a prison setting.

The Pre-sentence report also makes the following points in your favour namely:

1. The author said that you expressed genuine remorse for the tragic consequences of the incident. You also described Mr Williams as a close friend and, in respect of both Mr Williams and Mr Stawski, you voluntarily drew attention to the fact that both men were husbands and fathers. You described your self to the author as feeling "devastated" for the families involved and, at one point stated "I wish I'd died in the crash".
2. You have worked hard in life and have developed a relatively successful business dealing with land and house purchases. You are concerned as to the effects of the custodial sentence upon your business, although your partner is to become a director of the company to try to ensure some oversight and a friend and acquaintance will take on many of the day to day tasks.
3. Your risk of reconviction is low. You have never served a custodial sentence.
4. The final paragraph says "Mr Jarvis seems to understand the probable sentencing outcome in the case and accepts it will involve an immediate sentence of imprisonment." He indicated to me that "I know I have to go to jail" and "I understand the seriousness". Mr Jarvis also stated he needs to go to prison "out of respect to my friend and the other guy". Mr Jarvis says "he recognises he needs to be punished although the Court will be acutely aware that not even the necessary custodial sentence can ever make amends, in cases of this kind, for the loss of life or undo the inestimable damage to the lives of others caused by Mr Jarvis."

You cannot be considered as a person of completely good character but your previous record is so long ago as to not affect the sentence I impose. In addition, I take account in your favour of the numerous character references both as to your driving and your character generally. Also the fact that you have no convictions relating to the manner of your driving.

12. Having regard to all the circumstances of this case you will go to prison for 4 years on each Count, to run concurrently.

You will be disqualified from driving for 4 years and your licence will be endorsed. You will remain disqualified until you have passed an appropriate extended driving test.

Because this offence was committed before the 1 October 2012 there is no surcharge order.

I order you to pay Prosecution costs of £4200.