

# David Barton

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## motorists' lawyer



### **Dangerous Driving Acquittal!**

R v B June 2013

The Prosecution failed to satisfy Magistrates that the Defendant was guilty of dangerous driving (he was riding a motorbike).

Mr B is young man with no previous convictions. He was riding his bike in light traffic. He overtook one vehicle and quickly caught up with another. At this point both Mr B and the Range Rover were approaching a roundabout and the Rover moved over to the right as if to take the right or third exit. Mr B took the left lane to go straight on.

As he was negotiating the roundabout the Range Rover made an unexpected turn to the left which Mr B skilfully dealt with by accelerating hard to pass on the inside and move away. Unfortunately he lost control of the motorbike and came off. He sustained serious injuries and was airlifted to hospital.

The occupants of the Range Rover provided help and comfort as the emergency services made their way to the scene.

The police took statements from the occupants of the Range Rover as well as the man who was driving the vehicle that Mr B overtook. That person told the police that he had seen Mr B “pull a wheelie” as he approached him from behind and that he had overtaken him at 100 mph. This was all apparently seen in his rear view mirror in the space of a few seconds. The couple in the Range Rover said they saw Mr B passing them on the inside, and leaning over very low as he did so.

Armed with these versions the Crown Prosecution Service decided to authorise the police to charge Mr B with dangerous riding and this was done after he came out of hospital.

He denied the charge. He denied he was riding at anything like 100 mph as he overtook the first vehicle and he denied “pulling a wheelie”. He explained passing the Range Rover on the inside by saying that had he not done so quickly and skill he would have been “cut up” as it turned left unexpectedly.

The police had done their best to calculate speed from marks made on the road by the bike as it slid along before coming to rest. It was never known what caused the bike to slide away.

The key prosecution evidence came from the man who said he had witnessed a wheelie. He was challenged in cross examination as to how he could possibly have seen this in a second or two in his rear view mirror and at the same time assessed speed. He had no expertise, but claimed to have been a bike rider. His evidence was not accepted as being wholly reliable, and when Mr B gave evidence the Court thought that his entire explanation of what the Range Rover did was credible.

I think the court also decided he had suffered enough. No one else was injured.

Not only was he acquitted of dangerous riding but the court decided he had not even ridden carelessly. The Court found him not guilty and ordered that he should have his costs paid from Central Funds. It took over a year of determined effort to finish the case off.