

# TESTIMONIES by ROAD CRASH VICTIMS to mark WORLD HEALTH DAY 7 April 2004

## Alex Jane McVitty, killed on 7th June 2000, aged 26



My daughter was killed in June 2000. She was cycling to work in the City of London, when she was knocked from her bike and run over by the driver of a concrete mixer lorry turning left across her path. She was my only child and the most precious person in my life. She was 26, she had a first degree, a masters

degree, a good job and a nice boyfriend and she was enjoying her life. She had booked a visit to the hairdresser to get her hair cut, ready for the party to celebrate the first anniversary of meeting her boyfriend. Then she was dead.

It was a shattering and unbelievable blow for me, and I somehow thought, in my naivety, that the institutions of the state that I then had to deal with: the coroner, the police, the criminal justice system, would all be able to understand the enormity of my loss just enough to want to do a reasonable job of work. I was wrong.

I was desperate to come to some understanding of how my daughter's death had occurred because she was an experienced and responsible cyclist. But I was repeatedly denied information. The Coroner said that I was not allowed to see any of the evidence going to the inquest before the hearing. I understand that under human rights law I have a right to information, but the only way of challenging the Coroner's decision was through a Judicial Review, which would have cost thousands of pounds and was not an option for me. I had a number of questions I wanted to put to the driver during the hearing but the barrister who represented me was not allowed to question the driver. The inquest verdict was 'accidental death', because it always is, and it is utterly meaningless.

The police did not contact me at all for months, and then only at my initiative because I learned by chance from a complete stranger that the driver was going to be prosecuted for the minor traffic offence of careless driving. I needed to know what evidence was going before the court so as to prepare myself for it but, again, crucial information was not given to me. I had asked if there was any visual evidence that was going to be shown in the court which I would need to be aware of and was told there was not; but in fact the police had made a compilation video from security camera videos along her route, showing my daughter cycling to her death, which I saw for the first time in court, and then had to watch it over and over again during the trial. The

policeman who had taken the driver's statement said that he could not read his own writing, and so crucial questions, which again I hoped could be put to the driver were ruled out. The conduct of the prosecution was incompetent and the driver was acquitted, but I was deeply traumatized by the whole experience.

I thought, as the criminal law had failed me, that I could pursue a civil claim against the driver simply in order to get a re-hearing of the facts in a civil court, but as under the current law I am not entitled to any compensation, this route is in effect denied to me too.

I brought up my daughter to be a worthwhile member of society. I had always obeyed the law and worked hard and paid my taxes, and carried out my duties as a citizen, but when I needed the state to carry out its duties towards me, it failed. And I am not alone. Countless families have been failed in the same way. The death of a child is enough to cope with, but I felt that the law then compounded this misery by systematically belittling, demeaning and marginalising me and making me feel irrelevant in the death of my own child. Our shocking reality is denied and a life sentence of unresolved anguish is imposed on the bereaved.

Road deaths are not 'accidents' - unavoidable, unforeseeable, inevitable, unpreventable sequences of events, they have causes and they are all avoidable. In the case of my daughter's death, I did my own analysis of what happened, and what needed to be done about it. I then bought shares in the company, which owned the cement lorry and went to their Annual General Meeting to speak about my experience and my suggestions for action. They agreed to work with me and since then I have been involved in various training initiatives for their drivers, and trials are underway on a number of adaptations to the vehicles, improvements which are also being adopted by other companies.

So I know for a fact from my own experience that a lot can be done to reduce the incidence of road deaths. But the institutions of the state seem to refuse to take a rational look at what needs to be done, they persist in viewing the events through the use of the word 'accident' and pretend that the problem does not really exist. The law, instead of making people responsible for their actions, is allowing them to pretend that they are not. We are all road users, whether as drivers, cyclists, motorcyclists or pedestrians. For our own sakes and for the sake of our children we all need the roads to be safe, and we are entitled to expect that all branches of the law will play their part in enforcing that principle.

Cynthia Barlow, mother

## Julian Morrow, killed aged 35, and Karen Morrow, seriously injured

On 25th March 2000 my husband Julian and I were involved in a road crash on the A30 trunk road between Hayle and Camborne in Cornwall. A woman - Miss Rebecca Hook - was driving under the influence of cocaine, cannabis, methadone and diazepam and crossed two lanes of the dual carriageway, hitting our car head-on. She had no licence and no insurance and had been convicted previously of drug-driving offences.

I suffered a fractured neck, crushed feet and ankles, a dislocated and burnt right knee and a fractured radius and ulna in my right arm. My husband sustained serious cranial and facial fractures, causing a spinal fluid leak, which ultimately allowed a pathway for a meningitis-type infection to reach his brain. Julian was operated on three times and managed to survive for 10 days in an intensive care unit in Plymouth. He was then transferred to Torbay hospital, which had no facilities to deal with serious head injuries. Upon reaching this hospital, his condition had so deteriorated that he was immediately returned to Plymouth for an emergency operation, but was later found to be brain dead.

The CPS and police took 15 months to bring the criminal case to trial. During this time our family had to deal not only with Julian's tragic death and my injuries, but also had to endure the injustice of Miss Hook objecting to a blood test on the ground of the violation of her human rights. She was given bail and, showing no remorse, contrived every excuse to avoid the court hearing. I was compelled to lodge a formal protest with the CPS when they discussed reducing her charges from 'Causing death by dangerous driving', to 'Driving without due care and attention'. They felt they could guarantee a conviction on the lesser charge and were reluctant to take the risk of prosecuting for the - correct - more serious charge, despite the distress this caused to our family. In the end they proceeded on the charge of 'Causing death by dangerous driving' and Miss Hook was sentenced to 5 years imprisonment. However, a week before Christmas - in December of 2003 - she was released on parole, having served only 2 ½ years.

I gave a statement for her parole hearing, but was later informed that the parole board had sat on the same day the parole officer had been to take my statement. This meant the hearing was a purely one-sided affair and our family had the added trauma of dealing with her release over Christmas.

Julian was 35 years old, a kind and generous man, full of life and deeply loved by his family. I am left permanently disabled, I lost my home and independence, but worst of all, I lost my love and best friend. I am deeply depressed about the lack of compassion and value for human life shown by our government's road safety laws and I feel that Julian and I have been completely let down by our justice system. He is missed always.

## Kate Doyle, killed aged 24



Where to begin? It will be 9 years this May since my only beloved and cherished daughter Kate was knocked down on a zebra crossing in Bristol by a hit and run driver, who it turned out had been banned from driving on 29th March 1995, just two months prior to the crash! Kate died five days later from injuries to the brain. We agreed to the life support machine being switched off.

We were told by the policeman dealing with our case that "whoever had done this would go down for a long time". Yet we were informed about 10 days before the court case (Magistrates Court) that charges relating to the manner of driving were being dropped as they felt they had insufficient evidence!!

No mention was made of Kate's death in the court - just the words "...and you were in collision with a Miss Doyle". I was so angry that I stood up and objected - I was threatened with contempt of court and the case adjourned for 3 weeks for reports. We were living in the Highlands of Scotland - 600 miles away.

This time, unknown to us, the defendant was brought into the court the back way and the case not announced by the usher. It was not until a reporter from the BBC told me the court had been adjourned for sentencing. I rushed in and sat in the Clerk's chair and refused to move till I got justice. About 10 or so policemen came in and threatened to arrest me and told me I would be escorted from the court, so would not be present at the sentencing. The defendant was sentenced to 6 months prison for road traffic offences only - driving whilst banned, failing to stop, failing to report a crash; no penalties for No insurance and No MOT.

There were two witnesses who were never called, one who had noticed the car speeding a minute before the crash. Kate was found on the other side of the crossing. He was chased by another car - the police did not investigate even though a clear description of the driver was given. He destroyed the car outside a scrapyard the next day (perverting the course of justice - no charge?).

After 9 years the impact continues to reverberate. Our grief and cataclysmic loss has affected each of us. My husband and I sold our restaurant at a considerable loss because I could no longer cope with the demands it made of me. My son, who was 21 at the time, was diagnosed with post-traumatic-stress syndrome, and has suffered with severe depression and was hospitalised for 2 weeks in February 2003. He has found it particularly difficult to come to terms with the great, great sense of injustice and has lost any respect for the law. He has been on benefits till very recently. My husband and I have decided to go our different ways, after 37 years together. Our relationship has been broken by the impact - especially the toll of dealing with the injustice, which has made our loss even more unbearable.

Kate was 24 - a law graduate hoping to specialise in family law. She was our joy, the light of our life, so loved, so kind, so loving. Not to have her death acknowledged - not to see justice done - no proper investigation! I am sure that if the case had been given due attention, the cost would not have been so high.

Sarah Doyle

## Greg and Russell Turner



We lost our youngest son Greg on 9 June 1994, just six weeks after he turned 18. He left home, smiling and happy as always, at 9.45 pm. and was seriously injured in a car crash at 10.10 pm. when the car he was in hit the kerb and somersaulted onto the beach, which resulted in Greg being thrown through the back window. He died in hospital at 1.00 am from head injuries. We were not allowed to see him and were unable to say goodbye, which is something we have found very hard to live with.

From the moment we were told by a friend at 11.30 pm. that Greg had been in a crash, our lives have never been the same. We have never felt real happiness or peace since that day. Greg was a wonderful boy, loved by everyone he met. His death left a huge gap in the lives of many people. He had a great sense of humour and enjoyed life, we have been told by many people what a good influence and effect he had on their lives.

Two policemen arrived at our home at 2.30 am and more or less pushed past my husband to enter the house as they required a statement which they said could not wait until the morning. A few days later we asked the Chief Inspector why the police hadn't contacted us to let us know Greg was lying injured just 10 minutes from the house, as we could have been with him, but he said they were too busy and it wasn't in their remit to contact families. His whole attitude was very defensive.

From the time of Greg's death until the case went to court 9 months later, we had to constantly make phone calls to find out what progress was being made with the case. The girl driving the car was charged with racing, as there was another car involved, and with 'Causing death by dangerous driving'. She was found guilty of racing and dangerous driving but not guilty of causing Greg's death, we could never understand this. She has never said she was sorry or shown any sign of remorse. We felt badly let down by the police and the jury.

We thought our life couldn't get much worse until 4 December 1997, when our 24 - year old son Russell crashed his car and died at the scene, just one mile from where Greg was injured. We will never know what happened but can only believe he was speeding, possibly he was thinking of his brother, as he had never come to terms with losing Greg.

Russell was a quiet boy around the house but liked to enjoy himself with his girlfriend and friends. He loved music and expensive clothes, he was a source of comfort when we lost Greg and we built our lives around him, never believing we would again have to face the loss of a son.

Losing our sons has devastated us and we will never come to terms with the loss, we just live from day to day.

Cathy Turner, Ross-shire, Scotland

## Colleen Holmes, seriously injured in a crash in which her husband Alan was killed.



If only on that fateful day, Saturday 20 December 1995, had we been 5 minutes later - or earlier - then our horrific crash may never have happened. My husband and I had been Christmas shopping. We were stationary, behind the line of traffic that had stopped, when a left-handed driven vehicle hit us in the rear of the car. Unfortunately, instead of us being pushed into the car in front, we went over to the right and in front of a 35-ton lorry - travelling at about 50miles an hour. The lorry went over the top of our car, removing the car roof and engine, before it finally ended up a tree.

Alan was killed instantly, his body fragmented, and it took 1 ½ hours for the rescue team to release me. I was then airlifted to the Jonathan Radcliffe Hospital, Oxford. I owe my life to the police, air crew and hospital, for which I am extremely grateful.

I had the following injuries:

Cuts in my scalp; my forehead was scarred and my nose was broken; I had a hole in my right cheek as big as a fist; my eyelid on the right side was ripped open; my neck was broken; I sustained a fractured sternum, together with ribs damaging my lungs; I had a lump in the left breast due to seat belt entrapment; my right knee-cap was fractured and my right leg ripped and badly scarred, my right foot was fractured; six pints of blood were given to me during the rescue; I was placed on a life support machine and spent 8 hours in the Operating Theatre, leaving hospital four weeks later.

My biggest regret is that due to my medical state, I was unable to attend the inquest of my husband, as well as the court case against the driver - in the Magistrates Court. The driver was fined £140 and had points put on his driving licence - he had killed my husband and has, consequently, ruined my life. The insurance company did not pay the damages for 4 years and I had to PROVE my injuries, paying privately for all medical examinations, etc., etc. My daughter, Caroline, had a nervous breakdown due to her father's death. It is now eight years since that day, and I feel I have aged 100 years!

Alan and I met on a Car Rally in 1963 and he asked me to marry him in 3 weeks! He was a Dental Surgeon with his own practice, and I was his Nurse and Secretary; we were together virtually all the time. We had two children - a boy and a girl. His hobby was "Close-up Magic". Alan did a lot for charity and was Father Christmas every year for under-privileged children. We had a wonderful life together, with an interest in Austin Healeys, because he owned an Austin Healey 3000.

My life now cannot be how it used to be. I cannot bear to look at my face and I have pain when I walk. But then I am luckier than Alan - at least I can see my grandchildren. He is missed so much; I feel that my life also ended that fateful day.

## Livia Galli-Atkinson KILLED AGED 16



Our daughter Livia left home at 6.55 pm on Monday, 12 January 1998, to attend her 7.15 ballet class. At 7.05 pm, she lay dying on the pavement on which she was walking, just 25 metres from her school. At 7.40 pm she was dead. A driver had mounted the pavement on her south side, travelled along it, for 39.5 metres, without braking, having first demolished, and driven over, a 2 metre metal post, injured another pedestrian, before hitting and dragging Livia to her death. The injuries she sustained were horrific. We saw them.

The driver was found guilty of 'Causing death by dangerous driving'. He was fined £2,000, given ten points and a 5-year ban - penalties within the death by careless driving range, not the charge brought, nor pleaded. He pleaded not guilty, while admitting to the police that he knew he was driving on a pavement, and gambled his right to silence by declining to testify. Speed, drink, drugs were not issues. Sleep was, but it was supposition, and not admissible.

An appeal against the unduly lenient sentence was lodged with the Attorney General by the family and Crown Prosecution. Leave to appeal was declined. The family took the Attorney General to Judicial Review on the grounds of Wednesbury unreasonableness. The High Court found that for the purpose of the hearings, it was an unduly lenient sentence and the Attorney General had made an error of judgment in denying the family leave to appeal. However, he had not made an error of law. The family turned to the European Court of Human Rights to test the veracity and objectivity of the right to have life protected by law, as well as other articles. Livia's case failed.

The loss of a child is painful under any circumstance, but when the loss is caused by unforeseen, violent circumstances, the experience of pain is excruciatingly traumatic and tragic. The least one expects is that a court will make death the central issue, that it will not justify death as an unfortunate outcome of momentary loss of attention and acceptable collateral damage. The least one expects is that mitigation will be discounted on a plea of not guilty, but proven, and where silence is kept.

When innocents like Livia are driven 9 feet under by those who are allowed their negligence with champagne leniency, families' priorities change, and when the system to which they have no option but to entrust themselves lets them down, it must be challenged. Had the courts adhered to the parliamentary message of 1993, maybe Livia, and thousands like her, might be alive today.

Believe it or not, the trauma of betrayal continues to live alongside the trauma of loss. Livia's death might not have been a shining example of the outcome of a piece of very bad driving. Her flame was extinguished violently, nevertheless, on her right of way. So what is a bad piece of driving? And what value a life, today?

George and Giulietta Galli-Atkinson

## Mrs Porter, killed aged 60



Re.: T G Dawson, MID WARWICK-SHIRE COURT 30.5.2001

The above is the reference I have used when writing to the CPS, from the local branch, right up to the Solicitor General, over the past three years. It relates to the magistrates court that sentenced the man who killed my wife in a head-on collision - to a fine of £400 and 4 months suspension from driving.

It was on 17th August 2000, at 10am, a clear sunny morning. After driving for 20 - 30 minutes, he drove to the wrong side of the road and collided head-on with my wife's car at 70mph, my wife was travelling at 40/50mph. She died in hospital at about 1pm, before I could get there.

The driver stated that he could not remember anything! Mr Lymm, the senior person at Warwickshire CPS stated that he had suffered from a momentary lapse of concentration. By calculation - the time from the moment he started to veer across the road until he hit my wife's car was 2 seconds.

Since my wife's death there have been several similar collisions resulting in deaths, which have therefore been reported in the national newspapers, thereby compelling the CPS to apply the charge of Dangerous Driving. One particular case was caught on camera and the time recorded for the duration of the collision was 1.98 seconds.

The inquest was wrongly held before the court hearing. The driver pleaded guilty to Driving without due care and attention (as many do to this trivial charge of course), so there was no hearing, merely the administration of sentence.

It must be devastating enough when anyone loses their spouse without any warning through illness, but when the death is caused by a totally unnecessary collision and your next task is to say to a policeman "yes, that is the body of my wife"! and you have been married for 35 years, forming a bond that was more than strong to survive all the stresses and strains of a normal and happy marriage, feelings simply cannot be described. We could not have children and so there was only a relative's shoulder to cry on.

There are the memories of shared interests - music, golf, rambling holidays - none of which, when pursued now, fill the void left by the totally unexpected loss. It is utterly impossible to describe one's feelings of shopping for one, cooking for one, cleaning the house for one, meeting old friends alone, being alone for most of the time - no one there when going to bed or waking, attending events that bring on the feeling of desolation all too often.

Then being informed by the police that my wife was totally blameless, but that the CPS are only bringing a charge of 'Driving without due care and attention'. I then discover that I can discuss this with the CPS (they did not inform me of this) - I speak to the administrator dealing with the case, I say that I think that this is the

wrong charge, he asks why? I say 'He did kill my wife', he replies 'No matter how tragic the results, the death cannot be taken into consideration. After my exclamation that this was not so in a recent notorious case, he made the most inconsiderate and idiotic remark, saying "Mr Porter, just consider - had your wife not been there, the other driver may well have recovered his correct position on the road and no one would have known anything about it". Although I have pointed out this serious lapse into supposition plus other serious errors to them, they don't seem to want to address them.

The CPS is a service funded by the taxpayer for the benefit of the user, but when needed they are found wanting. Is not one life lost in an incident just as important as any number of lives lost in an incident resulting in multiple deaths?! But to the CPS my wife is just a reference! To be cleared up as cheaply as possible, more than likely to meet a government target!

## Joel Clyde Fountain, killed aged 22



Joel Clyde Fountain, our son, is the most beautiful person I have ever met and I feel privileged to have been blessed with his company and care for 22 years. He was reserved, extremely humorous, considerate, polite, generous, helpful, responsible, conscientious, affectionate, intelligent, fit, and attractive with a huge smile. He was full of energy and enterprise, full of warm blood, made up of warm flesh, moving bones and muscle. He was a very special person and all who met him were hooked - a pied piper though he was unaware.

On June 13 2000 he attended the first Euro 2000 football match in Eindhoven Holland to watch England play Portugal. He had such a memorable day. There was John (father), John's friend, Joel and Ben (Joel's friend). They'd celebrated in the square, had their photos taken and signed the huge football. Despite England's loss it had been the most peaceful Euro football match on record and I was relieved to go to bed happy, knowing they were safe. Joel had left me a message earlier on the answer phone to tell me that he'd got a ticket and he was in the ground and that he would phone me again - he sounded sooo excited! Russ, another friend, had driven in to meet them though he'd not been to the match. A last minute decision for them to get out of his father's car and take a lift in Russ's car against his father's better judgement lost him his life. They all walked to the corner and Joel turned to his father and waved saying 'See you later, Dad'. No one was aware that Russ had been drinking. Although they were excited they were tired and Joel wanted to go home. The next thing John knew was the knock on the door from the police. I had a phone call from John early morning.

Joel was a keen sportsman from an early age. He won many certificates trophies and medals for short and long distance running, athletics, karate, cricket and his passion - football. He met celebrities and raised money for charity through this. He was junior area champion in

karate and played for Lincoln City 15's at the age of 12. He won a runners up medal in the Euro junior final for the Bradford disaster fund and captained his school team to victory in the area 5 a side championship. Throughout these feats he was a TEAM member and organised and helped his team-mates. Joel's other main interest was music. He played the violin when he was 4 years old and had a superb singing voice. This led to him mixing his own music on his decks and organising the school disco before he left. He won the one-year prize in the 6th form and left with 10 GCSE's. He studied Business Studies at Lincoln University. Joel went to join his father in Holland to earn some fast money. He planned to return that Summer and open a garage in the village - father and son. He had worked hard and with his keen business sense and pleasant nature would have surely made it a success.

Joel had just matured into a lovely young man with his whole life ahead of him. He had just met his first girlfriend - Annemieke. He had just planned to visit relations in Australia and seeing some of the world out there.

Joel was loved by all and as he is the first born of a string of first-borns named J Fountain, that has now stopped. John is the oldest of 7 of a close family and they have all been seriously affected by their loss. His granddad now 88 years old cannot comprehend why he is still alive and Joel isn't.

His boss put him in charge of a team on quality control. His workmates were so moved that they sent a special condolence card to the local paper and walked out of work. They held a minute's silence for him on the morning of the funeral and phoned from Holland to let us know. There were letters and cards from all over and people turned up at the funeral from years before. We still have people telling us they knew him and what a lovely boy he was.

I spoke earlier of the live Joel. We visited him for the last time. He was cold stiff motionless waxen. His name means 'celestial traveller' - that's his job now.

Joel's death has left John and I with shattered lives and no future, as he was our only child. We suffered the indignity and trauma of the inquest, the court hearing of the driver in Holland and the case which the solicitor took on. Joel's 'estate', which he had worked so hard for had a chunk taken out so that we could receive any monies left! The coroner walked in and said 'I've been run off my feet today with cases' when apologising for his lateness. The driver didn't even turn up to court and never served his sentence. We received no money as compensation because Joel was over 21 years old. We have suffered mental and physical illness due to the trauma, yet cannot claim anything and are just expected to carry on so that we can pay the mortgage, loans and living expenses and for what? Lockerbie victims' families, New York victims' families and war families all receive compensation. Why not us? THE ONLY THING JOEL DID WRONG WAS TO GET INTO THE WRONG CAR.

Lynn-Marie Fountain

## Dr Jim Williams, killed aged 65



My husband was a much-loved GP, who had always worked unstintingly for his patients. He was always willing to go out at night and yet was always cheerful. He was supremely conscientious and when he became Senior Partner, was a great example to the whole practice. He was always willing to listen - to an old person's worry, a young mother's concern, a worrying hypochondriac or a colleague's ideas.

We had four children, two of whom followed their father into medicine, one became a musician and one followed his great love of nature and became an ecologist. He rarely had time to spend with the children as he would have wished, but always felt when he retired he would be able to help them with gardening, DIY and carpentry, which he enjoyed, and generally being able to spend time with them.

After he had retired a week, we spent our first free weekend staying with our elder son (a doctor attached to the SAS), his wife and young daughter in Hereford. It had been an idyllic weekend with a long walk in the country, a memorable Palm Sunday service, a 'lie in' drinking tea and reading the paper - something we had not done in all our married life.

We were driving home on the Monday morning full of plans for the future and so very happy. Suddenly, from the line of traffic coming in the opposite direction, a lorry swerved across the road and hit us head-on. There were many feelings and thoughts - from the intense pain from the impact, feeling flung around as the car was spun, to the realisation that I could hear nothing from my husband. My mouth was full of blood and broken bone, and I felt I was choking and had to keep spitting out the debris in my mouth to be able to breathe. I felt myself going unconscious, but felt I must keep conscious to keep alive and to know what was happening.

Finally in the A&E department of the local hospital I felt my son's hand and heard his voice. Trying to speak I asked about his father and heard "Sorry mother - he is dead".

When I was finally well enough to go home, albeit with a very damaged face and having lost an eye and gone from 9 stone to under 7stone in weight, I realised I could not see well enough to be able to drive again, my loss of balance prevented me from riding my bicycle and my neck and shoulders were hopelessly stiff. The pain in my face and head were constant, but I had to take stock of my life and try to deal with the aftermath of the crash. The latter is very painful for the bereaved. They have to deal with the Inquest - a very formal occasion with no sympathy shown. They have to be interviewed by the Police - in my case a very kind man, but he only made a report, he did not take a statement. They have to learn about the way the law works in charging a driver who has killed someone.

In my case, I had to keep travelling down to Hereford for all the formalities and to talk to a solicitor. Not only were the journeys long and tedious, people would stare at me because of my scarred face.

I grew up respecting authority and assuming professional people were to be trusted. I thought British Justice was utterly fair and that I could just let the law take its course and justice would be done.

The grief one feels after a road crash is compounded by the knowledge that this was a sudden, violent, horribly painful death, and quite unnecessary. It is due to someone's recklessness, negligence or incompetence, or the fact they were too tired or incapable through drink or drugs to be in charge of a lethal weapon. Surely such driver should be required to make some recompense to society. Also if he has not been driving safely, surely he should have to prove his competence by taking another driving test after a driving ban.

In my case, knowing nothing of the law and having no help at all - Victim Support who would help any other victim, would not have anything to do with the bereaved after a road crash - the people who needed help most. They were not only grieving for a loved one, killed in a most brutal way, but they were caught up in all the legal issues, which they would know nothing about. I felt utterly at a loss - society had done this terrible thing to me and then abandoned me.

I was shocked when the solicitor said the CPS would only charge the driver with "Driving without due care and attention". "But surely", I said, "if he couldn't slow down and stop, he was driving dangerously". He said it would be too difficult to prove. The next problem was when I didn't hear when the inquest was to be. Only by 'phoning the solicitor could I find out. I was told I needn't be there - but this was part of my husband's death, as it were, part of the funeral, of course I must be there. The coroner was utterly formal and without a smile. The whole procedure was very daunting, especially for someone in my physical and mental state.

Then I heard nothing about the trial. Finally, through the solicitor, I heard that the police had lost my address and had written to my daughter-in-law, who was now in Germany and hadn't received the letter. When I did receive the notice of the hearing and rang to confirm when it would be, I was told that this was only a preliminary hearing and there was no need for me to be there. I assumed (in my ignorance) that this must be when the driver confirms his name and address and pleads guilty or not guilty, and then the real hearing is later. Imagine my dismay when I heard - again through my solicitor - that this was indeed the proper hearing and that the case had been dismissed. I wanted to know just what had been said and why hadn't I been called as a witness.

After weeks of waiting I got a brief transcript of the hearing and was horrified to realise how the barrister for the driver had overwhelmed the magistrates with his pleas and the solicitor for the CPS had been utterly inept and hadn't asked any pertinent questions.

For the first time since that terrible day I felt really angry - angry that the law was so useless and unfair, angry that the magistrate had said my husband's death was the 'unfortunate result of an unavoidable accident'.

I was desperately upset that there was no acknowledgement of the terrible cruelty inflicted on our family. In all the aftermath of the tragedy, I felt there was no one on my side. The police were trying to charge the driver with a driving offence, but the death of my husband and my own injuries seemed quite peripheral. I felt I was completely ignored by the justice system and was deeply shocked by the insulting treatment of the death of my dear husband - this wonderful man.

Caroline Williams

## "Motorists always come first"

The following is an account of one of two road crashes in which I was the victim of irresponsible driving, where in both cases the Police decided that no action was required against the motorists responsible for my injuries. The incident concerned is the most recent one, since while my personal injuries were minor compared to the first crash, it provides a better illustration of how the Police do indeed accept that motorists have a licence to kill.

During November 1998, I was riding my bicycle home from work along a road that was in excellent condition, and my bicycle was noted for being well maintained and fully compliant with the law.

As I rode along the road, a motorist approaching from the opposite direction was driving whilst using a hand held mobile telephone. She, as a direct result, lost control of her car, careered across the road on to the wrong side, and directly hit me. My bicycle was sheared in half; I was thrown over the wing, on to the bonnet, and smashed with my face into the windscreen before landing on the verge. At this point, the motorist abandoned the scene, on foot, without calling the emergency services.

Upon hearing the impact, people from a garage directly opposite the scene rushed out to witness the aftermath - the motorist running away from the scene having left her car, the remains of my bicycle, and my bloodied, broken body on the verge.

The staff from the garage called the emergency services: the ambulance took forty-five minutes to arrive, and the Police an hour. Upon arrival, the Police showed absolutely no interest in recording the evidence - they did not take down details witnessed by those at the scene, including the motorist's opened mobile telephone cover left on the front passenger seat, and failed to note that she was the only person who had been in the car. The Police consequently decided to ignore that the motorist had been witnessed as being on the wrong side of the road, had clearly used a hand held mobile telephone whilst driving, and abandoned the scene without calling the emergency services and, through Police Constable 1468 Crosby, stated, in writing, that 'a recommendation of no Police action was preferred'!

As I pursued compensation for a double broken jaw, a broken cheek bone, considerable bruising, loss of salary, loss of blood and considerable pain, I discovered that through the total lack of action by the Police, the motorist's insurance company not only decided to defend against my claim, but also issued a summons against me for damage to the motorist's car. Clearly, the motorist had withheld crucial information from her own insurance company as the Police had decided that - since cyclists are second-class citizens - no action was required.

The motorist's insurance company only became aware of the truth at the point of 'exchange of documents', approximately two weeks before the court date. They suddenly discovered, clearly to their horror, that their client had not only lied, but due to the inaction of

the Police, had been able to withhold crucial information. They immediately dropped all claims against me, and paid, in full, the sum of compensation requested.

The process of obtaining compensation took nearly three years of misery, since the motorist's insurance company believed they had an excellent case to defend due to the complete and utter negligence of the Police.

I have come to the following conclusions as the result of my experiences:

- Motorists always come first.
- If you wish to kill a person, use a car.
- The Police are worse than useless.
- I now drive a car - pollution does not matter, congestion does not matter.
- Unfortunately lessons seem only to be learnt the hard way.
- Motorists are second only to God.

## Michael Bradford, killed aged 14



Until it happens to you, no one can understand the devastating impact that the actions of 1 person can have over your life. This person, a driver, who decided that the law can be broken because who really cares... The depleted traffic units! The lenient Magistrates! The whinging press articles! The sanctimonious people who have mercifully not had to face the broken body of a loved one - killed or injured by tons of metal!

Because of the attitude the police and CPS have towards road crime (they call them accidents), the investigation into Michael's death was full of omissions and discrepancies. It was blatantly obvious that we had been misled on many issues, but nobody seemed bothered except us.

There were 3 witnesses who saw the driver go through red light, yet he was never charged with causing Michael's death. He was also disqualified & had no insurance. The driver, his passenger and 2 friends lied in their statements and at the Inquest and still nothing was done, therefore we decided to find out why no one was taking these crimes seriously. It was such an uphill struggle and we never realised the minefield we would have to cope with over the coming months.

We found ourselves having to take a crash course on the laws surrounding road death & injury and the more we went into them, the more bewildered and angry we became. I had to read 180 pages of medical notes, the post-mortem report and the witness statements because I had to know what I was talking about when we approached various agencies with our concerns and complaints.

Just for one moment think how this feels, a mother who has lost her child, yet has to read these disturbing reports to get some kind of justice. Till the day I die the words from these reports will be in my head. I know in minute detail how my son died even to the size of his internal organs.....

There were 27 points of concern, one of which was the investigation into the speed. Michael was thrown 25ft and his injuries were horrific. The police said the driver was doing 20mph but the Neurosurgeon said 40mph because of the enormity & severity of Michael's injuries. When we raised this issue we were told that the speed was calculated by 'mean' from the witness assumptions of speed as there was no concrete evidence to determine speed. We therefore argued that the speed should have been recorded as inconclusive. We were never told of the 6-month rule for bringing the charge 'Driving without due care and attention'. It took 15mths before we were officially told about this by the CPS, but considering that the inquest was 7mths after Michael died and that is where new evidence came to light, this rule is incomprehensible. IS THAT JUSTICE? I don't think so. I have a 30-page document on the issues surrounding the investigation into Michael's so called accident, it is very disturbing reading. Throughout this document you will see how abysmally we were treated - the law was there to protect the guilty and to hell with the victims.

We spent almost 2yrs trying to get satisfactory answers to our questions but never did. We did manage to get the driver to court, not for killing Michael, but for licence offences. We were told by the CPS that they can indefinitely adjourn the licence offences but they couldn't keep the charge of killing Michael by negligent driving indefinitely adjourned, because it would be against the driver's human rights. But where are my son's and our rights? This alone tells us just how far down the list road crime comes. It is an insulting and shameful state of affairs when more importance is put on licence offences than the life of a child.

What was once a normal family has been changed forever. Michael still lives in every room of our home, his pictures, his belongings, his presence & our memories. I look out the window & see Michael as a young boy playing with friends. I see him playing football in the park. I see the water fights in the Summer. The big snowman we made in the Winter. The laughter, the squabbles, the little boy turning into a young man. The devastating pain we feel when we realise that there can never be any new memories.

Michael's dad is a broken man, Michael was his only biological child. He not only lost a son but his best friend. With the birth of my 3 children I felt wholly blessed, so how can I move on when a third of my life is missing? There is a huge gaping wound in our family that will be there forever. We once had a full life - working, enjoying leisure activities, having family days out. Now everything we do is tainted because we do so without our son, brother, uncle, grandson, nephew, cousin, friend.

And what hurts so deeply is the knowledge that if this person had abided by the law, our Michael would be here with us. Looking forward to his 18th birthday in July, starting work, having girlfriends, going travelling - all the things he should have experienced but never had the chance to. This driver was not only guilty of taking Michael's life but he also stole from him & us, his family, precious years that we would have had with our Michael.

We feel we now live our lives in turmoil - unable to

control the emotions that we face every hour of every day. 3yrs have passed but time hasn't reduced the pain of losing our son, in fact it increases because we have no choice but to physically be in the present, but living our lives in the past, a past that Michael was part of.

Christine Bradford

## Mansoor Chaudhry, killed aged 26



On 27 October 1990, Mansoor was violently killed by a van driver who crossed a junction against a bank of red traffic lights and ploughed into him as he was crossing on his motorcycle on green. He sustained terrible injuries and was declared dead two hours later.

The family were denied access to his body and only received an envelope with his possessions.

It took nine months before they knew that five witnesses testified that the driver not only ignored the red lights but also the traffic that had stopped. Yet he was only charged with "Driving without due care and attention" and received a fine of £250 and 8 penalty points. The fact that he had killed someone was completely ignored, not even mentioned in court.

"Mansoor was my only son, a gifted and beautiful person, with his whole life before him. He suffered a horrific death at the hands of a consistent offender, who was not made accountable. Never in my entire life will I get over the casual, insulting treatment of my son's death. The lack of authorities' recognition of our tragedies is made even more obvious and insulting by deaths in other disasters."

His Mother

## RoadPeace

**RoadPeace, the national charity for road traffic victims, was founded in 1992 by Brigitte Chaudhry after her 26 year-old son was killed by a red light offender. It was set up in response to the desperate need of road victims for timely information, immediate and long-term support and practical help with legal proceedings. RoadPeace is the national voice for victims of all types of road offences.**

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