

Judicial Communications Office

Monday 21 November 2011

COURT SENTENCES FOR DANGEROUS DRIVING CAUSING DEATH AND GRIEVOUS BODILY INJURY

Summary of Judgment

His Honour, Judge Burgess, Recorder of Belfast today sentenced Mark John Boyd to 33 months imprisonment for dangerous driving causing the death of Erin Eagleson and causing grievous bodily injury to Mark White in a collision on the New Line Road, Carrickfergus on 5 July 2009.

The court heard that Mark Boyd (“the defendant”) was driving a tipper truck which collided with a car which was being driven by Mr White and in which Ms Eagleson was a passenger. The defendant’s vehicle was on the wrong side of the road. Mr White stated that he flashed his lights at the lorry and blew his horn but this had no effect. Although he swerved at the last minute he could not avoid the defendant’s lorry colliding with the passenger door of his car. Mr White stated that the defendant was looking down rather than looking ahead.

The defendant has been unable to give an explanation as to how he came to be on the wrong side of the road. Initially he stated he could remember nothing about the day. In a written statement a few days later he was able to give some information but this appeared to have been gleaned from others who had seen him during the course of the day. In January 2010 he was interviewed by the police and indicated that Mr White was responsible for the accident as it was him who was on the other side of the road and was speeding.

The Court was going to proceed on the basis that the defendant put forward a totally false account of the accident. While he later withdrew this account, the Recorder said that the defendant has effectively been blaming Mr White for the fact that his girlfriend had died in a collision and that this had caused him considerable emotional trauma on top of the other injuries he had suffered.

The Court was today provided with a report from a consultant neurosurgeon which confirmed it was possible that the defendant was suffering from retrograde amnesia. This would mean that the defendant had no true memory of events and that there was a high likelihood that the version of events he gave may well represent false memory reconstructed from partial recall and information presented to him around

Judicial Communications Office

the time. The Recorder said that whereas before he was highly critical of the defendant, and considered his false account to be an aggravating factor, he believed that it was not now open to him to come to that conclusion on the basis of the neurosurgeon's evidence.

The Recorder referred to the victim impact statements submitted by the immediate family of Ms Eagleson. He heard that Ms Eagleson was accomplished academically, outgoing, a trusted confidante, the daughter of devoted parents and a close and loving sister: "In a moment that life and all its expectations and promise were lost, and the gap left has been impossible to fill".

The Recorder said that the court will not disregard or forget the terrible devastation that incidents such as this inflict on innocent lives. In sentencing, the court will always reflect on that loss as well as giving a warning to others who are granted the right and privilege to drive potentially lethal weapons, that if they fail to meet their obligations to other road users they will face condign punishment. He noted, however, that he can only sentence with the structure of his statutory powers for the offence faced by any defendant, guided by those cases set out by the Sentencing Councils and the Court of Appeal, to reflect the actions and omissions of a defendant, to reflect the consequences of those actions and omissions, and to reflect to some extent the personal circumstances of the defendant before the court.

The Recorder concluded that this was a case of bad driving. There was one aggravating factor namely Ms Eagleson's death and the substantial injuries suffered by Mr White. In terms of mitigating factors, the defendant had a conviction for drink driving 14 years ago but there was nothing on his criminal record since then. While his plea of guilty came late in the day, it avoided the witnesses having to go through a traumatic trial and therefore he was entitled to some credit. The Court also heard that the defendant was remorseful.

The defendant was sentenced to 33 months imprisonment. The Recorder stated that there was to be no reduction in the custodial element as there were no issues that required specific attention that the defendant could address on licence. The Recorder also disqualified the defendant from driving for 10 years.

NOTES TO EDITORS

1. This summary should be read together with the judgment and should not be read in isolation. Nothing said in this summary adds to or amends the judgment. The full judgment will be available on the Court Service website (www.courtsni.gov.uk).

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ENDS

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