



**HMA**

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**MOHAMMED WASIF AHMED**

**6<sup>th</sup> December 2007**

**Today at Alloa Sheriff Court, Sheriff Mackie sentenced Mohammed Wasif Ahmed to twelve months detention in a Young Offenders Institution after he plead guilty to a charge of culpably and recklessly driving a motor vehicle in Greenside Street, Alloa on 4<sup>th</sup> October 2006. Two pedestrians, Joanne and John McDonald were both severely injured.**

**On sentencing Sheriff Mackie made the following statement.**

“You have plead guilty to a serious charge of dangerous driving, driving at excessive speed and of losing control of your motor car in such a manner that you collided with two pedestrians, Mr and Mrs McDonald, whereby they were both seriously injured. You come before the Court with little by way of a record and your solicitor has eloquently spoken of your undoubted good character, your sound and secure family background and your creditable academic achievements before entering the family business in which you now work. These factors do not however detract from the seriousness of the offence to which you have plead guilty.

It must be understood by you, by the victims of your offence and everyone else that my responsibility in sentencing you is to have regard not to the consequences of the dangerous driving but to the nature of the driving and the extent to which it was dangerous. In other words any sentence I impose is not to be measured purely by the degree of injury and damage caused but by an objective assessment of your driving. In that regard I have heard of a single, short but highly dangerous piece of driving. The speed at which you were travelling was far in excess of a speed which would enable you to keep proper control of your vehicle, let alone safe in what was a traffic calmed area. You had a particular duty to have regard to the safety of other road users especially pedestrians such as Mr and Mrs McDonald who were crossing at a part of the road designed for that purpose. They were entitled to expect that

you would. I have received no explanation for the speed of your driving although, possibly through your immaturity and possibly through a state of self denial, you have offered differing explanations in the past to the police and the author of the social enquiry report. It suffices for me to recognise that you were simply driving so fast that you could not keep control of your vehicle and lost control with devastating consequences. While my function is to assess the degree of dangerousness with which you drove, I cannot do so by ignoring the consequences because the horrendous injuries sustained by both of your victims do, in my view, reflect the degree of the dangerousness of your driving, namely excessive speed for the particular road conditions in which you were driving.

Mrs McDonald suffered a serious head injury which led to her being admitted first to the Resuscitation Unit, then the Intensive Care Unit, two weeks in the High Dependency Unit followed by a three week period of recovery in hospital before being allowed home. Her injuries included a fractured leg. I have been informed that she continues to suffer severe headaches and dizzy spells and continues to undergo neurological treatment. It seems to be no exaggeration for me to have been told that her life has been ruined both in relation to her physical well being and her day to day living.

Mr McDonald suffered multiple fractures of his pelvis, both bones of his lower left leg and two ribs. The hip fracture was potentially life threatening. He suffered a serious loss of blood both internally and externally. He too was admitted to the High Dependency Unit and spent no less than four months in hospital recovering. He can no longer work and has lost the society of the workplace as well as the income from his employment. His life has been ruined also. There is no sentence available to this court which could allow Mr and Mrs McDonald to feel that there has been full retribution. I doubt if any sentence of this court will alleviate the consequences for them or help them face their difficult future together. I am satisfied that an appropriate financial resolution will be achieved in a different process and will not therefore be making any order for compensation in these proceedings. Any such award would fall so far short of adequate compensation that it would be more likely to add insult to the injury caused.

For all of these reasons, and despite a persuasive and eloquent plea on your behalf, I have come to the conclusion that the only appropriate disposal is a custodial one. The maximum sentence which, by statute, I am empowered to impose, is one of two years detention in a Young Offenders' Institution. It is difficult to envisage a more dangerous piece of driving and so I find myself looking to the maximum sentence. However there are mitigating factors. I take account of your age, your comparative lack of a criminal record let alone any analogous convictions and your good character. Making as much allowance as I can for these factors, I therefore take as my starting point a period of 18 months detention. You have however tendered a plea of guilty at an early stage and avoided further procedure and a trial. It is appropriate therefore to recognise this by applying a discount of one third thus reducing the period to 12 months. It is therefore the sentence of this Court that you will serve 12 months detention in a Young Offenders' Institute with effect from

today's date. You will be disqualified from driving for a period of 5 years and will be required to sit the extended driving test before being allowed to have your licence restored."