

### **Death by dangerous driving**

There is no dispute that D\*\* was driving a mechanically propelled vehicle on a road, or that C\*\* died as a result of D\*\*'s driving. So, there is only one question which you need consider.

At the time of the collision D\*\* was driving dangerously?

D\*\* accepts that he was driving carelessly. He has pleaded guilty to driving without due care and attention - a lesser offence.

So, what, as a matter of law is dangerous driving? For the purposes of this case, D\*\* is to be regarded as driving dangerously, if, and only if,

- (a) the way in which he drove fell far below what would be expected of a competent and careful driver; and
- (b) it would be obvious to a competent and careful driver that driving in that way would be dangerous.

It is a high threshold.

So, the key question for you to answer in relation to Count \*, having regard to all the evidence and the directions which I give you is

At the time of the collision D\*\* was driving dangerously?

If you are sure that the answer is "yes", he is guilty of Count \*. If the answer may be "no", he is not guilty of that count.