

Josh Normanton succeeds at half-time in complex death by dangerous driving case.

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Josh Normanton, instructed by Gary Rubin at Blackfords Solicitors, represented B, a refuse worker, in a trial before the Croydon Crown Court.

B, a banksman, was tried alongside G, a refuse lorry driver, for causing death by dangerous driving. G was driving a large refuse lorry, crewed by B, which reversed over and killed a member of the public. A joint investigation by the Health and Safety Executive and the Metropolitan Police ensued. B was tried as an accessory to G because he had allegedly decided not to act as a 'reversing assistant' during the manoeuvre. The trial was prosecuted by a senior prosecution silk with a junior.

The complexity of the case arose from argument about what was necessary to demonstrate accessorial liability in these circumstances. In his successful submission of no case to answer, Josh argued that evidence of control over the principal's driving by the accessory was what mattered. B could not be

tried as an accessory to death by dangerous driving because there was no evidence that B had been in control of G's driving. The judge agreed that control was an essential element of accessorial liability in these circumstances, and that it was absent. B was therefore acquitted at half-time.