

ENGLAND AND WALES / JUDGMENT

R v Tyla Bush

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Neutral Citation Number: [2025] EWCA Crim 1674 IN THE COURT OF APPEAL CRIMINAL DIVISION ON APPEAL FROM THE CROWN COURT AT NORWICH RENVOIZE CP No: 36CJ1721225 CASE NO 202503511/A5 Royal Courts of Justice Strand London WC2A 2LL Tuesday, 2 December 2025 Before: LORD JUSTICE JEREMY BAKER MS JUSTICE NORTON DBE HER HONOUR JUDGE TAYTON KC (Sitting as a Judge of the CACD) REX V TYLA BUSH

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MR O HASWELL appeared on behalf of the Appellant

J U D G M E N T

1. MS JUSTICE NORTON: On 18 August 2025 having pleaded guilty before Great Yarmouth Magistrates' Court, the appellant, then aged 21, was committed for sentence pursuant to section 14 of the Sentencing Act 2020 in respect of one offence of dangerous driving and, pursuant to section 20 of the Sentencing Act 2020 in respect of a number of associated offences as follows: driving whilst disqualified, failure to stop after a road traffic accident, using a motor vehicle without third party insurance, using a motor vehicle on a road without a valid test certificate and using a passenger vehicle with tyres with insufficient tread.
2. On 22 September 2025 in the Crown Court at Norwich the appellant was sentenced to 16 months' detention in a young offender institution for the offence of dangerous driving. A concurrent sentence of two months' detention was passed for the offence of driving whilst disqualified. There was no separate penalty for all the remaining offences.
3. Having committed the offences during the two year operational period of a suspended sentence of 18 weeks' detention imposed on 24 April 2024 at Norwich Magistrates' Court, that suspended sentence was activated with a reduced term of 12 weeks' detention in a young offender institution which was ordered to run consecutively to the 16 month sentence imposed for the new offences. The total sentence imposed was therefore 19 months' detention in a young offender institution. The appellant was disqualified from driving for a

total of 1,366 days and until he had taken and passed an extended retest.

4. The appellant appeals with leave of the single judge on two grounds. First, that the initial starting point taken by the learned Recorder was too high, and secondly, that no account was given to the appellant's personal mitigation before credit for plea was applied. The facts
5. On 14 June 2025 the appellant drove at speeds estimated to be up to 70 miles an hour along Station Road in Belton. The case details do not specify what the speed limit was for this road. However it is described as a narrow road with cars parked on either side in a residential area and close to a holiday park. 6. It would appear that having narrowly avoided an oncoming car, due to his manner of driving the appellant was then unable to stop in time when a car ahead of him began to reverse out of a driveway. The appellant swerved to avoid the reversing car and hit a rise in the road, causing his vehicle's wheels to leave the road surface. He thereafter collided with a parked car.
7. The appellant and his passengers, which included a five-year old child, exited the vehicle. The child was distressed and was heard to complain that his tummy was hurting. Another passenger had facial injuries. The appellant attempted to flee the scene but was arrested soon afterwards. 8. Inspection of the appellant's car revealed that the front tyres were bald and the car was therefore not in a roadworthy condition. Antecedents
9. The appellant was born on 22 July 2004. He was therefore 20 years of age at the date of the commission of the offences but 21 at the date of conviction. We observe that any custodial sentence should therefore have been a sentence of imprisonment, not detention in a young offender institution.
10. The appellant had five previous convictions for 13 offences, many of which were for driving offences. Of significance, on 24 May 2023 he was fined and disqualified for a period of 14 months for offences of driving without a licence and no insurance. On 24 April 2024 he was sentenced to 18 weeks in a young offender institution suspended for two years for offences of assaulting an emergency worker, driving whilst disqualified, failing to stop after an accident, driving with excess alcohol, driving without a licence and no insurance. The current offences were committed during the operational term of this suspended sentence, placing him in breach of it. Mitigation
11. A pre-sentence report was available to the court. It was noted that with the exception of a breach of one of the terms relating to unpaid work, the appellant had complied well with the suspended sentence order. It was said that the appellant took responsibility for his actions and showed remorse for what had happened. No particular concerns were raised about the level of the appellant's maturity.

12. The appellant was the registered carer for his mother who had a number of confirmed health issues. He had an offer of work from a friend at a local caravan park which was confirmed by letter to the court. In addition to the pre-sentence report, the sentencing judge had placed before him letters in support from the appellant's mother and current partner, and a letter from the appellant himself in which he apologised for his offending and the impact this would have on others around him. Sentence
13. There are sentencing guidelines for the offence of dangerous driving. The judge found that the circumstances of the driving placed the offence in Category A1. It was culpability A as there was a deliberate decision to ignore the rules of the road and disregard for the risk of danger to others. The driving was at speeds significantly in excess of the speed limit or highly inappropriate for the prevailing road conditions. It was harm Category 1 as the driving resulted in injury to two passengers and damage to a parked car. There was and is no dispute about that categorisation.
14. A Category A1 offence has a starting point after trial of 18 months and a sentencing range of between one and two years in custody, the maximum sentence available.
15. There were a very large number of aggravating factors, some of which were reflected by the additional driving offences committed at the same time as the lead offence and for which the appellant stood to be sentenced. The appellant had previous convictions for driving offences. The offences were committed whilst he was subject to a suspended sentence order for like offending. He failed to stop and decamped from the scene. Passengers in the offender's vehicle, including a child, were injured and the vehicle was poorly maintained.
16. When passing sentence, having outlined the facts of the offences, the judge said this: "I'm going to deal predominantly with the dangerous driving because, as I say that is the sentence which, in my judgment, is going to carry the rest of these other sentences and you'll see what I mean in due course."
17. The judge then outlined the aggravating factors, in particular the appellant's "appalling record" for driving offences. He referred to all of the mitigating factors that had been placed before him. He noted the appellant's young age and the fact that he had yet to reach full adulthood or levels of maturity but observed that the appellant had had "numerous warnings" including a suspended sentence order which had not prevented him from continuing to drive. He concluded that the positive aspects of the appellant's character were outweighed by the risks that he posed to others by his reckless and dangerous driving, that an immediate custodial sentence was required and that the least sentence that could have been imposed after trial for the offence of dangerous driving would have been one of two years' detention in a young offender institution. He made clear that in reaching that figure he had taken into account the numerous additional other motoring offences which made the offence more serious. In relation to the driving whilst disqualified, he stated that after trial the appropriate sentence for that would have been three months' imprisonment.

18. The judge then reduced the individual sentences for each of the dangerous driving and for the driving whilst disqualified offences by one-third to reflect the guilty pleas entered at the first opportunity and directed that the sentences should be served concurrently, making a total custodial sentence of 16 months. As already noted there was no separate penalty for all other offences.
19. The judge activated the suspended sentence order in part, directing that 12 weeks should be served consecutively to the 16 months imposed for the index offences. Finally he disqualified the appellant from driving for a period of 1,366 days, that being a period of disqualification of three years together with the appropriate uplift to reflect half of the sentence imposed, less time spent on qualifying curfew. Grounds of appeal
20. There is no dispute that the appropriate category on the sentencing guidelines was Category A1. It is accepted that an immediate custodial sentence was inevitable and no criticism is made of the judge's decision to part activate the suspended sentence order to be served consecutively to the sentence for the index offences.
21. What is submitted before us is that, first, the Recorder took too high a starting point within the dangerous driving guidelines before the full discount for a plea entered at the Magistrates' Court was applied, and secondly, that the Recorder wrongly failed to make any downward adjustment to reflect the relative youth and maturity of the appellant or his significant personal mitigation, the main features of which were, as outlined, his expressed remorse, the fact that he was the sole primary carer for dependent relatives, he had had a difficult or deprived background or personal circumstances and had prospects of work, training or education. Discussion and conclusion
22. We are grateful to Mr Haswell for his helpful and succinct submissions which he has advanced before us with force. Had the learned Recorder been sentencing the appellant for a single offence of Category A1 dangerous driver then we consider that there would have been merit in his submissions, notwithstanding the gravity of the index offending and the appellant's appalling driving record. However that was not the case here. First, the aggravating features far outweighed the mitigating features. Secondly, and most importantly, the Recorder had to sentence the appellant for multiple offences, not least a second offence of driving whilst disqualified. As the Recorder made very clear in his sentencing remarks more than once, the sentence that was passed for the dangerous driving was one that he had uplifted to take account of the totality of the offending, passing a concurrent sentence or no separate penalty for each of the remaining offences. The Recorder further clearly had totality in mind when he determined to only activate the suspended sentence in part.
23. In those circumstances, we cannot identify any error in the Recorder's approach to sentence. Neither in our judgment is the sentence as a whole manifestly excessive for this series of offences for which the Recorder had to pass sentence. It follows therefore that this appeal must fail and the sentence will remain unaltered, save that we direct that the record be amended to show that the custodial sentence is one of imprisonment and not one of

detention in a young offender institution, as expressed by the sentencing judge. Epiq Europe Ltd hereby certify that the above is an accurate and complete record of the proceedings or part thereof. Lower Ground Floor, 46 Chancery Lane, London, WC2A 1JE Tel No: 020 7404 1400 Email: rcj@epiqglobal.co.uk

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