

REPORT TO CTC fao Rhia Weston

Crown Court Southampton R v Steven Carl PETERSEN before Judge P Blair

Charge: causing death of David Irving by careless driving on 17.12.12

Prosecuting Counsel: Rufus Taylor

Day 1 Mon 20.1.14

After jury members sworn in

1215 start Prosecution case heard with evidence today from 3x witness/ drivers who saw Irving prior to the incident but not the incident itself namely that Irving was visible to them well in advance of them overtaking him on the dual carriageway Mountbatten Way Southampton and came forward to give evidence in response to police appeal. Irving appeared on CCTV footage and also in the witness' statements as 'a semi-professional cyclist' in hi vis jacket tight-fitting cycling clothing and helmet. Prosecution evidence was that he wore helmet, hi-vis Karrimor orange jacket, backpack and LED anklet.

Another witness named Fairburn, the colleague of witness Parker, was driving a silver Mercedes, saw flash and drove over something and stopped in lane1 – saw bike on pavement and person on road and dialled 999. A white Renault van driver in lane3 with high up view, moving to lane2 brake lights swerving saw body in lane1 and stopped to protect him; RNLI first aider, body was semi-conscious blood loss from head, applied CPR with help from another. Cyclist's helmet smashed to bits, knife used to cut helmet strap off head. Upsidedown wing mirror packing in road. Air Ambulance arrived. Witness Fairburn said it was me who hit him.

Irving was pronounced dead at the scene at 0910 having been hit about 0845.

Irving suffered 38 fractures to body caused by being run over by van or another vehicle; and head smash not caused by being run over. On 8.1.13 mechanical fit undertaken by police. Irving 6'1" reconstruction by police cyclist of same height concluded likely cause of head injuries wing nearside mirror.

Witness Williamson behind Southern Electric van saw traffic swerving into lanes 2&3. SE van stopped and she pulled around it at split in road. Saw white transit minibus in layby and driver checking for damage before going on his way.

Pettersen left his father's house in Waterhouse Lane at 0842 for West End to collect and take his partner's daughter to school. Rang his father to say I've hit something – hit my mirror – red post. Pettersen rang police at 0910 and told them I've hit someone – minibus nearside wing mirror smashed – black scuff mark on bonnet and nearside wing – couldn't see because of sun – saw something red. Pettersen arrested 1000 interviewed, represented, advised to make no comment. Stated sun very bright and low, had sun visor down, visibility reduced by glare, didn't see any cyclist. Could see vehicle in front. Not been involved in any accident for many years. At 1132 he was breathalysed at police station.

Exhibit – minibus van – front nearside A pillar and bonnet to left of door. Halfway down black scuff continued to front nearside wing – pattern mark. Grey plastic scuff – damaged. Nearside mirror extended missing glass. Other contact marks along length of Transit.

Weather conditions: bright clear December day but with low sun aligned with carriageway

Road surface condition: in good repair but with surface moisture reflecting the low sun

Moderate traffic flow - 3-4 lengths between. 318m 17secs dependent on right curve would have brought cyclist further into Pettersen's field of vision. All ahead cars saw and overtook cyclist.

Accused's driving fell below standard of a competent and careful driver.

The Accused did not stop at the scene but was witnessed by another driver stopped in layby further on apparently checking his vehicle. After learning there were police at the scene he rang police at 0910 to report he had hit something. He was arrested before 1000 but not breathalysed until 1132

Police videos shown 1. Irving's reconstructed cycle journey from Totton carpark where he left his car along Mountbatten Way and 2. Pettersen's car journey from Waterhouse Lane into and along Mountbatten Way

WITNESS 1 William Bowles was driving silver Mondeo with his wife passenger in leftside lane 1 of 3 saw Irving veer out towards centre of lane 1 and then passed him

WTNESS 2 Nigel Mullen was driving light blue Mercedes coupe with his son passenger in lane 3 at Regents Park Rd junction on his normal commute to work. He moved back into lane2 and when he was at Solent Business Centre he saw cyclist ahead. He hung back to allow a Volvo to pass the cyclist before himself overtaking cyclist and moving into lane1 for town centre. The sun became an issue at rise up past Paynes Rd junction then cleared after 30-40m. He had no need to brake as going uphill. The cyclist made reasonable progress up that rise but it appeared laboured.

WITNESS 3 William Parker was driving black BMW and did this journey twice weekly. Was in Lane3 at Regents Pk Rd red lights and ahead of his colleague Fairburn. He then moved into lane1 after 200m. He saw cyclist just past Paynes Rd with hi vis yellow jacket flared out/ undone. Cyclist wobbled/ swerved out 2', Mondeo driver moved into lane2 in response and cyclist wobbled back in again. Lane3 was clear. Low sun faces you as you come over flyover but had no effect on me as wearing sunglasses and car visor down. Colleague Fairburn moved over into inside lane1 doing 40mph; I was doing 50mph.

Adjourned at 1600