**A van driver was accused of being ‘on eBay’ around the time he killed a road worker.**

Exeter Crown Court heard that Anthony Tompkins was driving at 55mph on the A361 in north Devon when he veered into highways workers.

Steven Tolley, 48, was hit by the wing mirror of the van inside protective cones and suffered head injuries.

Tolley, from Tiverton, was thrown into the air by the force of the impact and died six days later in Derriford Hospital, Plymouth.

Other road workers were also injured after jumping out of the way of the van.

Tompkins, 45, has pleaded not guilty to causing death by dangerous driving.

The *BBC* reported that Richard Posner, prosecuting, said records showed Tompkins used his phone four times in the half hour before the accident, with a six minute internet session around the time of the collision at approximately 11:00 GMT on 29 January 2013.

Posner said Mr Tompkins supplemented his income as a driver by buying and selling furniture on the online auction site eBay.

He said: “There is compelling evidence that he accessed eBay, a site which he visits to buy furniture, and as a consequence of his behaviour he caused the death of Mr Tolley. That is the irresistible conclusion we invite the jury to reach.”

The prosecution said a police technology expert had set up a Galaxy Mobile telephone identical to the one owned by Tompkins with the same eBay app and found it was not possible for it to be activated unwittingly.

The court heard Tompkins, of Saltash, Cornwall, claims he was suffering from a condition called sleep apnoea which caused him to have a “mini-sleep” at the time of the crash.