

IN THE SUPREME COURT OF NEW ZEALAND
WANGANUI REGISTRY

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NO.

BETWEEN DOUGLAS GORDON SINCLAIR

Appellant

A N D POLICE

Respondent

No Special Consideration

Counsel: P.G. Robinson for Appellant
F.F. Latham for Respondent

Hearing and Judgment: 24 April 1975

ORAL JUDGMENT OF O'REGAN J.

The appellant pleaded guilty to a charge of careless driving and was fined and disqualified for 2 months. The circumstances of the offence were that on the afternoon of 25 October 1974, the appellant was driving north down the Mangaweka Hill when his attention was attracted to a large group of motor cycles and police vehicles in the Mangaweka Railway Station. In a country area like that, this was a most unusual sight and one which I can understand in any event would create a greater distraction to a motorist than usual. While distracted, he got into some gravel and his car got out of control with the result that it turned into the police yard and damaged one of the police vehicles and three motor cycles. True, the damage to all these vehicles was minor but the appellant's own vehicle was a write-off.

The appellant has been driving since the 1920's and has not previously appeared before any Court and I think in a case such as this, particularly in these circumstances, he can pray that good record in aid. Furthermore - and this was not before the Magistrate - I am told from the Bar this

morning that as a result of the damage to his own car, he was effectively off the road for some 10 weeks so that in addition to the fine, he has suffered a deal of inconvenience - and if you like - penalty.

I think in the circumstances that this disqualification was excessive and I propose to allow the appeal by quashing that part of the sentence that has to do with his disqualification.

Solicitors for Appellant: Messrs Horsley, Brown and Lowe,
Wanganui

Solicitors for Respondent: Crown Solicitor, Wanganui
