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BETWEEN H MADDOX
Appellant
AND MINISTRY OF TRANSPORT
Respondent

Hearing: 4 December 1984
Counsel: Kohler for Appellant
 Jones for Respondent
Judgment: 4 December 1984

(ORAL) JUDGMENT OF PRICHARD, J.

On 16 August this year, Mr Maddox pleaded guilty to a charge of careless driving causing injury. He was fined the sum of \$400 and disqualified from holding or obtaining a driver's licence for a period of 18 months. Against that sentence he now appeals.

The circumstances were that at about 10 o'clock on the morning of 26 April 1984, the Appellant was driving on the State Highway near Albany travelling from Whangarei to Auckland with his wife as a passenger. While negotiating a gentle lefthand curve, it seems that his concentration lapsed and he allowed the car to drift over to its right. In consequence it collided with a small car travelling north and driven by a lady who

suffered severe bruising to her hips and cuts to her face and legs.

The Appellant is aged He has been driving for 41 years without any previous convictions for traffic offences. 35 of his years of driving have included driving for a fire brigade. I am persuaded that this offence was the result of a momentary and uncharacteristic failure of concentration.

The minimum disqualification for this offence is a period of 6 months. Disqualification for 18 months is 6 months in excess of the 12 months mandatory period in cases of reckless or dangerous driving causing death or bodily injury.

In view of the Appellant's hitherto responsible driving record and taking into account that he chose to plead guilty to this offence, I am of the view the period of disqualification imposed in this case was excessive. The appeal is allowed to the extent that the period of disqualification is reduced to 9 months.

Raymond J. ...