

IN THE HIGH COURT OF NEW ZEALAND  
CHRISTCHURCH REGISTRY

M.506/84

BETWEEN MARK JOSEPH ROBERTSON

1310

Appellant

AND MINISTRY OF TRANSPORT

Respondent

Hearing: 10 October 1984

Counsel: G.K. Panckhurst for Respondent  
(Appellant not present)

Judgment: 10 October 1984

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JUDGMENT OF HARDIE BOYS J

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This is an appeal against a sentence of six months' imprisonment imposed on a charge of driving whilst disqualified. The offence was committed on 21 April. When the appellant was stopped he at first gave an incorrect name and then after being taken into the patrol car ran away. He was accordingly also charged with escaping from custody and on that charge was sentenced to one month's imprisonment, the term to be concurrent with the sentence of six months' imprisonment. He was also disqualified from driving for a further period of one year.

This was the appellant's eighth offence of driving whilst disqualified and the appellant had last been before the Court on such a charge two days before the commission of the

offence which is the subject of this appeal. In the past he has been fined and sentenced to corrective training and non-residential periodic detention. The District Court Judge took the view that this time a prison sentence was called for. I think he was quite right. Indeed he had no other choice. The orders of the Court must be obeyed. Those who refuse to obey them and persist in that refusal must suffer the consequences of their own stupidity.

The appellant has written a letter to the Court in which he seems to accept that but asks that the term of imprisonment be reduced. He states that he has employment to which he can return and that he wants to lead a normal life being responsive to all those people who in the past have endeavoured to help him. This is good to learn and one hopes that the appellant will persevere with these good intentions, because as he himself says he does not want to spend his life in prison.

However the powers of this Court on an appeal against sentence are limited. The sentence may be reduced only if it is shown to have been manifestly excessive. The Court is not entitled to tinker, in other words to reduce by a month or two, a sentence which is well within the range a District Court Judge may properly impose, in the exercise of his sentencing discretion, for the particular offence and the particular offender. The sentence of six months' imprisonment imposed in this case was clearly within that range. It was not manifestly excessive and therefore I am not entitled to interfere with it. The appeal accordingly must be and is dismissed.

