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IN THE HIGH COURT OF NEW ZEALAND
CHRISTCHURCH REGISTRY

M.404/84

1011

BETWEEN RONALD EDWARD WARD

Appellant

A N D MINISTRY OF TRANSPORT

Respondent

Hearing: 15 August 1984

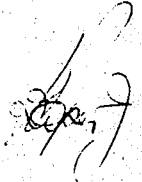
Counsel: J.S. Fairclough for Appellant
I.D. Scott for Respondent

ORAL JUDGMENT OF ROPER J.

This is an appeal against a sentence of two months' imprisonment on charges of driving while disqualified and driving with excess blood alcohol. The blood alcohol figure was 251 milligrams. The Appellant was also disqualified from driving for a period of six months but there is no appeal against that order. Both offences were quite serious in their nature.

The Appellant is 46 and within the last four and a half years he has previously been convicted on two occasions for driving while disqualified, two of driving under the influence of drink or with excess blood alcohol and one of refusing to give a blood specimen. On those charges he was either fined or sentenced to non-residential periodic detention. Although imposed without the benefit of a probation report, by no stretch of the imagination could this sentence be regarded as either manifestly excessive or inappropriate. It really called for a much longer sentence in my view, having regard for the Appellant's past record, but I do not propose to interfere with it in that way.

The appeal is dismissed. There will be no order for costs.



Solicitors:

Cavell, Leitch, Pringle & Boyle, Christchurch, for Appellant
Bates Edgar Polson & Co., Christchurch, for Respondent