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BETWEEN STEVEN JOHN WALLER

Appellant

A N D MINISTRY OF TRANSPORT

Respondent

Hearing: 2 February 1984

Counsel: K.J. Grave for Appellant  
B.M. Stanaway for Respondent

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ORAL JUDGMENT OF ROPER J.

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This is an appeal against concurrent sentences of six months' imprisonment on a charge of driving while disqualified and three months on a charge of driving with excess blood alcohol. The Appellant was also disqualified for a period of three years but no submissions have been made as regards that aspect. This is the Appellant's fourth blood alcohol conviction, the last being in July 1983, only about two months before this present offending. The one before that was in January 1982 when he was sentenced to one month's imprisonment.

The learned Trial Judge saw this as a serious case and noted the maximum penalties provided by the statute for multiple offending. It is apparent, as Mr Grave has submitted, that the Appellant is an alcoholic but despite that he has a good work record and his job would be available to him. Furthermore the Probation Officer's report is favourable.

Mr Grave has said all that could be said in favour of this Appellant, but in my view to allow this appeal would make nonsense of the provisions of the Act concerning the penalties the legislature has seen fit to impose. I agree with Mr Stanaway that the sentences were entirely appropriate and it is to be noted that he was leniently treated on the last occasion. That was in

July 1983.

The appeal is therefore dismissed.

A handwritten signature in black ink, appearing to be 'K.J. Grave', written in a cursive style.

Solicitors:

K.J. Grave, Christchurch, for Appellant  
Crown Solicitor, Christchurch, for Respondent