

(F7)  
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IN THE HIGH COURT OF NEW ZEALAND  
CHRISTCHURCH REGISTRY

M.273/84

1023

BETWEEN

ANTHONY JOHN CUNNIFFE

Appellant

A N D

THE POLICE

Respondent

Hearing: 25 July 1984

Counsel: M.J. Glue for Appellant  
Miss K.P. McDonald for Respondent

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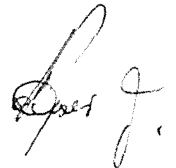
ORAL JUDGMENT OF ROPER J.

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On 9 May last this Appellant was sentenced to three months' imprisonment concurrent on charges of driving with excess breath alcohol and a breach of periodic detention, and was disqualified from driving for a period of three years. He doesn't appeal against the three months' imprisonment and indeed has already served that time, but appeals against the length of the period of disqualification.

He has one earlier conviction for driving with excess breath alcohol, that was in May 1982 when he was fined \$250 and disqualified for a period of six months. I am satisfied that a disqualification of three years is manifestly excessive in the circumstances and the only probable result will be a potential disqualified driver.

The appeal is allowed with effect that the three year disqualification is reduced to one of eighteen months.



Solicitors:

M.J. Glue, Christchurch, for Appellant  
Crown Solicitor, Christchurch, for Respondent