

BETWEEN CHARLES ALEXANDER DIVERS

Appellant

A N D MINISTRY OF TRANSPORT

Respondent

Hearing: 18 July 1984

Counsel: I.G. Mill for Appellant  
N. Scott for Respondent

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ORAL JUDGMENT OF ROPER J.

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I have before me two appeals against sentence by this Appellant, one relating to driving offences committed pending the hearing of an appeal from the conviction on the first.

On 22nd March last the Appellant was sentenced to 28 days' imprisonment on two charges of driving with excess breath alcohol. The figures were 750 and 850 micrograms. In one case the Appellant drove into a parked car and in the other he had taken over from a driver who had himself been stopped 2 hours earlier and charged with a drink drive offence. The Appellant has one previous conviction for driving with excess blood alcohol apart from other convictions. The two driving while disqualified incidents were work-related and stem from the earlier sentence on the excess blood alcohol where he was disqualified because apparently there was no waiver of disqualification pending the appeal.

It is said that he could pay a fine, but there are others not so fortunate. I do not see that as the answer here. The Appellant has this advantage, because the appeals are heard together it is probable that the two sentences of 28 days will be served concurrently. In case there should be any doubt on that score I order that

they do be served concurrently.

Otherwise the appeals are dismissed.

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

Solicitors:

Clark & Mill, Timaru, for Appellant  
Crown Solicitor, Timaru, for Respondent