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ALLR

NOT  
RECOMMENDED

IN THE HIGH COURT OF NEW ZEALAND  
HAMILTON REGISTRY

AP.102/89

935

BETWEEN

F

Appellant

AND

POLICE

Respondent

Hearing  
and Judgment: 24 July 1989

Counsel: No appearance for Respondent  
C.Q.M. Almao for the Respondent

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ORAL JUDGMENT OF ANDERSON J

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This is an appeal against sentence imposed in the District Court on 24 May 1989 in respect of a charge of driving whilst disqualified, having previously been convicted of a similar offence.

The facts were that the Appellant drove a Suzuki motorcycle on a footpath forming part of a public road, albeit at a modest speed, as one would hope when vehicles are invading pedestrian territory. The reason given by the Appellant, and which must be accepted, is that he had driven a short distance

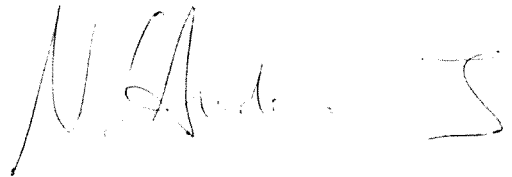
from his motorcycle repair shop to another trade outlet in the vicinity for the purpose of uplifting a battery for sale to a customer. The sentence imposed was a fine of \$1500 and the Appellant was ordered to pay Court costs of \$65.00 and disqualified for a period of 12 months.

The Appellant, who is a man in his early thirties, has accumulated a number of convictions for driving offences. These include two convictions for driving in a dangerous manner, one for refusing to supply a blood specimen, another for careless driving, a further offence of driving with excess blood alcohol, and on 20 July 1988, driving whilst disqualified. That list is not exhaustive but is nevertheless a sufficient indication of the Appellant's irresponsibility in relation to driving. It is the sort of record one would expect of a person who may not have had the advantages of education that the Appellant has had. The pre sentence report indicates that the Appellant was an achiever at school, has been admitted to the degree of Bachelor of Management Studies, and has succeeded more or less in business.

I have read the explanation given by the Appellant and I remain unconvinced if it was intended to indicate overall some minor offending because to my mind it is illustrative of the Appellant's continuing ignoring of the law, or indeed flaunting. Orders for disqualification are imposed with the

intention that they will be observed. They are solemn orders of the Court and the Appellant, in a manner quite consistent with some years of irresponsibility as a driver, saw fit once more to test the law to an advanced stage. The law is more enduring than him and the orders of the Courts will be reinforced where necessary, as this one is, and justified.

The appeal is dismissed.

A handwritten signature, possibly "N. S. ...", followed by a large, stylized initial "S".

Solicitors for the Respondent:

Crown Solicitor  
Hamilton

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