

IN THE HIGH COURT OF NEW ZEALAND
INVERCARGILL REGISTRY

27/8

AP45/93

1402

BETWEEN

SAPWELL

Appellant

NOT

RECOMMENDED

A N D

THE POLICE

Defendant

NO LIMIT ON PUBLICATION

Judgment 13 August 1993

Counsel P Luoni for the Appellant
T Young for the Crown

ORAL JUDGMENT OF WILLIAMSON J

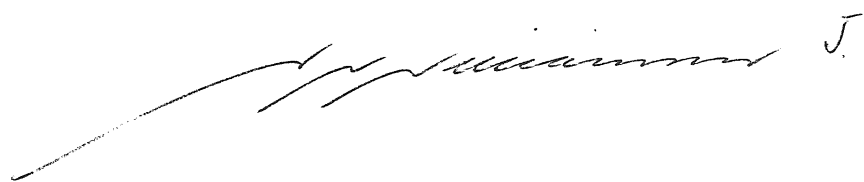
This is an appeal against an order for disqualification from driving for 12 months. The appellant, Sapwell, was sentenced, in the Invercargill District Court on 20 July 1993, to payment of a fine of \$850.00, ordered to be disqualified for 12 months and ordered to pay medical and court fees. He had pleaded guilty to an offence of driving a motor vehicle when the proportion of alcohol in his blood exceeded 80 milligrams per 100 millilitres of blood. The reading was 173 milligrams.

Other than the level of his reading the circumstances of the offence were unexceptional. He had been stopped at 10.40 pm on 13 May 1993 after leaving a social club. It was a first offence of any type. There was no evidence of bad driving and no unusual circumstances.

Counsel for the appellant submitted that a period of disqualification between six and nine months was the normal period in such cases and that 12 months applied only when there were special circumstances, which he enumerated.

After an adjournment of this appeal a schedule has been prepared which shows the level of disqualifications imposed in Invercargill on such offences during the past 18 months. The schedule certainly confirms the submissions made by counsel for the appellant.

Accordingly the period of disqualification imposed upon this appellant has been shown to be out of line with that imposed on others. For that reason this appeal is allowed. The period of disqualification of 12 months is quashed and in lieu thereof a period of 6 months is substituted. Otherwise the sentence as to fines and orders is confirmed.

A handwritten signature in black ink, appearing to read 'Arthur Watson Savage', with a small 'J' written to the right of the signature.

Solicitors

Arthur Watson Savage, Invercargill
The Crown Solicitor, Invercargill

