

N2LR

566.

IN THE HIGH COURT OF NEW ZEALAND
AUCKLAND REGISTRY

AP.261-9/97

NOT
RECOMMENDED

BETWEEN **GRENVILLE HENARE FAHEY**

Appellant

A N D

THE POLICE

Respondent

Hearing: 26 November 1997

Counsel: Appellant in person
S Bonner for Respondent

Judgment: 26 November 1997

(ORAL) JUDGMENT OF MORRIS J.

Solicitors:
Appellant in person;
Crown Solicitor, Auckland, for Respondent.

I have before me today two appeals by this appellant. They relate first to a sentence imposed on him in the District Court at Auckland on 26 November when, after a plea of guilty, he was sentenced to 18 months imprisonment on a charge of driving while disqualified. He was also sentenced to 3 months imprisonment on a charge of driving with excess breath alcohol.

The second relates to his conviction on 26 November 1997 on a number of charges to which he was sentenced to 5 months imprisonment.

So far as the second of these is concerned, the appeal is well out of time. The notice was not lodged until 30 October 1997. As Mr Bonner points out, there are no affidavits in support of the appeal which set out any ground for the appeal and there certainly does not seem to be any merit in the appeal because again no affidavits have been filed.

The appellant is no stranger to the criminal or appellate procedures but even putting aside these technicalities, having looked at the matter, I am satisfied the appeal has no merit and it is accordingly dismissed.

Dealing with the first of the appeals, the appellant, at the time of his sentencing, had an appalling driving record including 11 previous convictions for driving while disqualified and indeed convictions for offences of this nature going back to his youth. I have read the judgment of the District Court Judge and I am satisfied the sentence was proper.

The appeal is accordingly dismissed.

A handwritten signature in black ink, appearing to be 'R. H. M.', located at the bottom right of the page.