

Judge grants engineer 'rare' discharge over drink-driving

Kat Pickford [@katpickford](#) 10:00 AM

A Blenheim aircraft engineer who admitted driving with a blood alcohol level almost four times the legal limit has been discharged without conviction.

██████████, 34, appeared in the Blenheim District Court on Monday, two years after the driving incident, and admitted a charge of driving with excess blood alcohol of 309mg (the legal limit is 80mg) in July 2011.

Judge Ian Mill said it was a "rarity" to receive a submission to be discharged without conviction with a blood alcohol level as high as ██████████'s, which was "almost four times the legal limit".

However he could grant the request, provided he was satisfied the direct and indirect consequences of a conviction would be out of proportion compared to the level of offending, he said.

Blenheim police prosecutor Sergeant Mark Harris said he did not oppose ██████████ being discharged without conviction.

When summing up, Judge Mill said police were called by members of the public and found ██████████ trying to park his car in High St, Blenheim, about 6pm on July 30, 2011.

██████████ told police that he was moving his car because he was worried about its safety, Judge Mill said.

Auckland defence lawyer, Patrick Winkler, provided comprehensive submissions to the court, comparing ██████████'s case with similar New Zealand cases that had been discharged without conviction.

Judge Mill said ██████████ had worked in the aviation industry for 14 years, and moved to Marlborough from India 10 years ago to work for Safe Air.

Soon after ██████████ arrived in the country, he had been present when his landlady was murdered by her husband, a "traumatic event" that continued to affect him years later, Judge Mill said.

He had been the key witness to the murder, and had returned to India to try and adjust to the appalling events he had been through.

"On the night of the offending, he drank more than he was used to and the events were playing on his mind," he said.

Alcohol reports showed that ██████████ was not a regular drinker and the pattern of drinking was not consistent with the night of the offending.

"He was struggling emotionally and showed remorse for his actions, he was concerned about the impact it would have on his job and pilot's licence."

Ultimately, Judge Mill decided it was a "special" case, and he was unlikely to come across someone who had been through the trauma that ██████████ had been subjected to.

██████████ was discharged without conviction, ordered to pay \$1200 to the Salvation Army and was disqualified from driving for nine months