

HONG KONG / JUDGMENT

HKSAR v. DIAZ, JEFFERSON SAMPILO

COURT

Court of First Instance

DECIDED

29 November 2007

CASE / FILE NUMBER

HCMA985/2007

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bjbj HCMA985/2007 IN THE HIGH COURT OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION COURT OF FIRST INSTANCE MAGISTRACY APPEAL NO. 985 OF 2007 (ON APPEAL FROM ESS 22543 OF 2007)

BETWEEN HKSAR Respondent and DIAZ, JEFFERSON SAMPILO Appellant

Before: Deputy High Court Judge Line in Court Date of Hearing: 29 November 2007 Date of Judgment: 29 November 2007

J U D G M E N T

1. This is an appeal against a conviction for careless driving. The facts are very simple. The appellant was driving his employers' motor vehicle in a queue of slow-moving traffic on Repulse Bay Road and it is quite clear that his car touched the car in front. He did not give evidence to deny that in the trial below. He called his employer, who was in the car, and whilst the employer disputed how hard the contact was between her vehicle and the one in front, she conceded, in effect, that there had been some - as she described it - tapping. It is quite clear that the magistrate was right to find that there had been contact between the two vehicles.
2. Given that one vehicle drove into another, albeit at a slow speed and did not cause much damage, the fact is that reasonable and prudent drivers do not do that. The driving here objectively failed to measure up to the required standard and the conviction for careless driving was inevitable. Mr Diaz came here really not understanding a lot of the matters, but I think he understands now why he has the conviction. The appeal against it has to be dismissed. (P Line) Deputy High Court Judge Representations: Ms Olivia Tsang, Senior Government Counsel (Ag.), of the Department of Justice, for the Respondent Appellant:

Diaz, Jefferson Sampilo, in person PAGE - PAGE CRT30/29.11.2007/MMcG HCMA985/2007/
Reasons for Judgment A B C D E F G H I J K L M N O P Q R S T U V A B C D E F G H I J K L M N
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