



THE COURT OF APPEAL

Record No: 128/23

**Edwards J.
McCarthy J.
Kennedy J.**

Between/

**THE PEOPLE (AT THE SUIT OF
THE DIRECTOR OF PUBLIC PROSECUTIONS)**

RESPONDENT

V

KAREN COHALAN

APPELLANT

JUDGMENT of the Court (*ex tempore*) delivered by Mr. Justice Edwards on the 8th day of June 2023.

- 1.** In the case of Ms. Cohalan the Court is in a position to indicate what it is going to do at this stage and simply by way of a short *ex tempore* ruling it can be stated that we have been impressed with the submissions that have been made on behalf of the appellant and are disposed in circumstances of the case to allow the appeal in so far as the disqualification aspect of the sentence is concerned, and to vary the disqualification component of the sentence imposed by the Court below.
- 2.** A disqualification of four years was imposed in the Court below in circumstances where it was erroneously of the view that that was a mandatory minimum period of disqualification that had to be imposed, i.e., a consequential disqualification.
- 3.** We are satisfied in the circumstances of this case that while it was appropriate that there should have been some level of ancillary rather than consequential disqualification, the degree to which Ms. Cohalan has been off the road at this stage – that is two years and five months – meets the circumstances of the case and we will therefore substitute an ancillary disqualification period of two years and five months to date from the same commencement date as the consequential disqualification of four years originally but erroneously imposed. Accordingly, as of now the ancillary disqualification has been satisfied in as much as Ms Colohan has been off the road for the entirety of the required period, and she is therefore entitled to immediately apply to get her licence back.