

**NOTE: PUBLICATION OF NAME OR IDENTIFYING PARTICULARS OF  
COMPLAINANT PROHIBITED BY S 139 OF THE CRIMINAL JUSTICE  
ACT 1985.**

**IN THE SUPREME COURT OF NEW ZEALAND**

**SC 99/2013  
[2013] NZSC 129**

BETWEEN                      V (SC99/2013)  
   Applicant  
  
AND                              THE QUEEN  
   Respondent

Court:                      Elias CJ, William Young and Arnold JJ

Counsel:                      T W Fournier for Applicant  
   B F Windley for Respondent

Judgment:                      26 November 2013

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**JUDGMENT OF THE COURT**

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**The application for leave to appeal is dismissed.**

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**REASONS**

[1]     The applicant seeks leave to appeal from a judgment of the Court of Appeal dismissing his appeal against conviction for sexual offending against his daughter.<sup>1</sup> Although represented by senior counsel at trial, he was unrepresented in the Court of Appeal and this lack of representation is the primary basis upon which he now seeks leave to appeal to this Court.

[2]     The applicant's trial took place in 2007. But his appeal to the Court of Appeal was not finally heard until November 2011. The reasons for this are explained in the Court of Appeal judgment.<sup>2</sup> Soon after the verdicts of guilty were

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<sup>1</sup>     V (CA107/2008) v R [2012] NZCA 14.

<sup>2</sup>     At [3].

delivered, the applicant's trial counsel ceased acting for him, presumably because of complaints the applicant made against him. Subsequently, the applicant was represented by at least four other lawyers all of whom eventually withdrew due to their inability: (a) to get concise instructions from the applicant and (b) to obtain an affidavit from him setting out his complaints about the handling of his trial. In the end, when the appeal was heard, he was unrepresented. According to a minute of the Court, the applicant, was asked if he wanted a lawyer and indicated that he would represent himself. We see no reason to think that his position was misrecorded. The Court of Appeal considered and rejected the various complaints about the trial process. All in all, there is no appearance of a substantial miscarriage of justice.

[3] Accordingly, the application for leave to appeal is dismissed.

Solicitors:  
Crown Law Office, Wellington for Respondent