

IN THE SUPREME COURT OF NEW ZEALAND

SC 119/2013
[2014] NZSC 25

BETWEEN ROSS DALLIMORE
 Applicant

AND THE QUEEN
 Respondent

Court: Elias CJ, William Young and Arnold JJ

Counsel: Applicant in person
 K A L Bicknell for Respondent

Judgment: 25 March 2014

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] The applicant pleaded guilty in the District Court to a charge of carrying on the management of a business while an undischarged bankrupt and was sentenced on 18 August 2010 to 200 hours community service.¹ He appealed against this sentence but not until 10 April 2012. The Court of Appeal gave the necessary extension of time but dismissed the appeal.² He now seeks leave to appeal to this Court.

[2] Despite extensions of time having been provided to him, the applicant has not filed submissions in support of his application. On the basis of what appears in the notice of application for leave to appeal, it appears that his primary contention is that he was not involved in the financial management of the business in question. The same contention was advanced in the Court of Appeal. But, as that Court observed, he was not charged with being involved in the financial management of the business,

¹ *R v Dallimore* DC Auckland CRI-2009-004-12373, 18 August 2010.

² *Dallimore v R* [2012] NZCA 437.

and, on the material before the Court, he had undoubtedly participated in the management of the business. Having regard to his conduct and extensive criminal history, the Court of Appeal considered that the applicant was fortunate not to have been sentenced to imprisonment.

[3] We see no appearance of a miscarriage of justice and accordingly the application for leave to appeal is dismissed.

Solicitors:
Crown Law Office, Wellington for Respondent