

**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
[2014] NZSC 56**

BETWEEN V (SC 99/2013)
 Applicant

AND THE QUEEN
 Respondent

Court: Elias CJ and William Young J

Counsel: Applicant in person
 B F Windley for Respondent

Judgment: 13 May 2014

JUDGMENT OF THE COURT

The application for recall of the judgment of 26 November 2013 is dismissed.

REASONS

[1] In a judgment delivered on 26 November 2013, the Court refused the applicant leave to appeal against a judgment of the Court of Appeal dismissing his appeal against conviction for sexual offending against his daughter.¹ The applicant has subsequently submitted lengthy hand-written documents to the Court. These are discursive and cover many topics, most of which lie outside the purview of this Court. It is, however, apparent that the applicant wishes the Court to reconsider the decision to refuse leave to appeal and we propose to treat this as an application to recall the judgment.

¹ V (SC99/2013) v R [2013] NZSC 129.

[2] Comparing the material which he has submitted with the judgment of the Court of Appeal, the issues which he raises were broadly the same as those which the Court of Appeal addressed. As noted in the leave judgment, the applicant's trial was in 2007 but his appeal was not heard until November 2011. The applicant made complaints about his trial counsel and subsequently was represented by four other lawyers each of whom eventually withdrew. He was unrepresented at his appeal. The records of the Court of Appeal confirm that he told the Court that he was content to represent himself. In what were thus difficult circumstances, the Court of Appeal was extremely thorough in identifying and assessing his various complaints about his trial and the verdicts.

[3] Nothing which the applicant has advanced raises an issue of public or general importance and there is no appearance of a miscarriage of justice. The application to recall the earlier judgment is dismissed.

Solicitors:
Crown Law Office, Wellington for Respondent