

**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 55/2014
[2014] NZSC 95**

BETWEEN G (SC55/2014)
 Applicant

AND THE QUEEN
 Respondent

Court: Elias CJ, Glazebrook and Arnold JJ

Counsel: Applicant in person
 J E Mildenhall for Respondent

Judgment: 22 July 2014

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] The applicant, G, was convicted following a jury trial of the sexual violation of his 4 year old step-daughter and was sentenced to imprisonment for a term of five years.¹ He appealed his conviction on the grounds first, that the verdict was unreasonable and could not be supported having regard to the evidence and second, that the Judge had made errors in his summing up to the jury. The Court of Appeal dismissed his appeal.² He now seeks leave to appeal to this Court.

[2] The decision of the Court of Appeal dismissing G's appeal is dated 12 June 2013. G's application is dated 30 May 2014 and is, accordingly, well out of time.

¹ *R v G* DC Wellington CRI-2011-035-1816, 27 September 2012.

² *G(CA663/2012) v R* [2013] NZCA 222.

However, because G is self-represented, we will consider the application on its merits.

[3] While it is not entirely clear from the material filed, G's principal ground appears to be that the jury's verdict was unreasonable as there was insufficient evidence to support it. He also expresses concern about the way both his trial counsel and his counsel on his appeal conducted his case.

[4] The Court of Appeal accepted that there were some issues with aspects of the complainant's evidence, but considered nevertheless that she was consistent in relation to the essential allegation against G. The Court concluded that there was a rational and legitimate basis for the jury's guilty verdict. As this Court has stated previously, it is not the role of a final appellate court to embark on a review of the strength of evidence at trial in a case where, as here, the Court of Appeal has delivered a fully reasoned judgment addressing the concerns that are the basis of the application to this Court.³

[5] Moreover, the concerns raised about counsel do not suggest that G suffered a miscarriage of justice as a result of not having a fair trial or because the guilty verdict may be unsafe.⁴ G's concerns about trial counsel were not raised in his appeal to the Court of Appeal and his concerns about appellate counsel are no more than general.

[6] We are not satisfied that it is necessary in the interests of justice that we hear and determine this appeal. It does not raise any issue of general or public importance and nothing has been raised to indicate that a substantial miscarriage of justice may have occurred. Accordingly, the application for leave to appeal is dismissed.

Solicitors:
Crown Law Office, Wellington for Respondent

³ See, for example, *Burgess v R* [2008] NZSC 79 at [4].

⁴ See *R v Sungsuwan* [2005] NZSC 57, [2006] 1 NZLR 730.