

NOTE: ORDER PROHIBITING PUBLICATION OF NAME, ADDRESS, OCCUPATION OR IDENTIFYING PARTICULARS OF APPELLANT PURSUANT TO S 200 OF THE CRIMINAL PROCEDURE ACT 2011 MADE IN THE HIGH COURT REMAINS IN FORCE.

NOTE: PUBLICATION OF NAME, ADDRESS, OCCUPATION OR IDENTIFYING PARTICULARS OF COMPLAINANT PROHIBITED BY S 203 OF THE CRIMINAL PROCEDURE ACT 2011.

NOTE: PUBLICATION OF NAME, ADDRESS, OCCUPATION OR IDENTIFYING PARTICULARS OF ANY COMPLAINANT UNDER THE AGE OF 18 YEARS PROHIBITED BY S 204 OF THE CRIMINAL PROCEDURE ACT 2011.

IN THE SUPREME COURT OF NEW ZEALAND

**SC 94/2015
[2015] NZSC 148**

BETWEEN BROWN (SC 94/2015)
 Applicant

AND THE QUEEN
 Respondent

Court: Glazebrook, Arnold and O'Regan JJ

Counsel: S J Shamy for the Applicant
 A Markham for the Respondent

Judgment: 20 October 2015

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] This is an application for leave to appeal against a decision of the Court of Appeal,¹ dismissing an appeal against a High Court decision which in turn refused the applicant's application for the charges against him to be dismissed under s 322 of the Children, Young Persons, and Their Families Act 1989.²

[2] There is a significant threshold to be met before this Court will grant an application for leave to appeal in a pre-trial matter.³ In this case we do not consider that the matters put forward by the applicant have met that threshold. As the Crown submits, the issues can be raised again in any appeal should the applicant be convicted.

[3] The application for leave to appeal is dismissed.

Solicitors:
Addington Law Centre, Christchurch for Applicant
Crown Law Office, Wellington for Respondent

¹ *Brown v R* [2015] NZCA 325 (Wild, Keane and Kós JJ). The judgments were anonymised, with the applicant called "Brown" in the lower courts.

² *R v Brown* [2015] NZHC 1155 (Nation J).

³ *Hamed v R* [2011] NZSC 27, [2011] 3 NZLR 725 at [13].