

BETWEEN                      JASON PAUL BURKE  
   Applicant  
  
AND                                SUPERINTENDENT OF WELLINGTON  
   PRISON  
   First Respondent  
  
AND                                PAROLE BOARD  
   Second Respondent  
  
AND                                ATTORNEY-GENERAL  
   Third Respondent

Coram:                      Gault J  
   Blanchard J  
  
Counsel:                      T Ellis for Applicant  
  
Judgment:                      30 June 2004

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**JUDGMENT OF THE COURT**

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[1] In his written submissions counsel for the applicant for leave, Mr Ellis, commented that it might well be that this Court would agree that it has no jurisdiction. That concession was not surprising given that the Court of Appeal had concluded that there was no extant appeal to it, the only appealable points having been “abandoned or overtaken by events”. There is no challenge to that statement. The Court of Appeal recorded as well that counsel had been unable to point to any jurisdictional basis for that Court to make declarations concerning the manner in which the High Court Judge had handled certain aspects of the proceeding. Nor has any such basis been revealed in the submissions to us.

[2] The applicant is complaining of delay and other allegedly inappropriate conduct by the judge which had no impact on the result of the proceeding and which consequently cannot provide a ground of appeal. The application for leave must be and is dismissed.

Solicitors:  
N B Dunning, Wellington for Applicant