

IN THE SUPREME COURT OF NEW ZEALAND

**SC 59/2008
[2009] NZSC 9**

KELLY TE PEETI RINGI

v

THE QUEEN

Court: Tipping, McGrath and Wilson JJ

Counsel: R Lithgow QC for Applicant
M D Downs for Crown

Judgment: 11 February 2009

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] The applicant was convicted of sexual violation by rape. His appeal to the Court of Appeal against conviction was dismissed.¹ He seeks leave to appeal to this Court.

¹ *R v Ringi* [2008] NZCA 293.

[2] The central issue in the case concerned consent and belief in consent. The applicant contends that the trial Judge did not direct the jury adequately on that topic, particularly in the light of the fact that the complainant was intoxicated. The applicant also suggests, on this basis and on several other grounds to which it is not necessary to refer, that he has suffered a miscarriage of justice.

[3] We are satisfied that no point of general principle or public importance is involved. We are also satisfied that there is no basis raised for any allegation that a substantial miscarriage of justice may have occurred. The Court of Appeal dealt fully and appropriately with the points of appeal raised in that Court. There is no basis for granting leave on miscarriage grounds.

[4] As the applicant has not demonstrated any qualifying ground for the grant of leave to appeal to this Court, his application must be dismissed.

Solicitors:
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