

JOSHUA CHRIS WOODCOCK

v

THE QUEEN

Court: Elias CJ, Tipping and McGrath JJ

Counsel: W C Pyke for Applicant
M F Laracy for Crown

Judgment: 16 February 2011

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] The applicant was convicted on counts involving child violence including manslaughter, and wilful neglect. His appeal to the Court of Appeal against these convictions was dismissed.¹ He now seeks leave to appeal to this Court on grounds arising from the jury's majority verdicts on all charges on which he was convicted, other than that of wilful neglect.

[2] During jury deliberations, the trial Judge was notified that "the jury have agreed verdicts some or all by a majority". The Judge had not at that stage given directions on such verdicts but proceeded immediately to do so. The jury then

¹ [2010] NZCA 489.

resumed deliberations for a further hour and a quarter before delivering their verdicts which, in relation to the charges indicated, were by a majority (11:1). The applicant wishes to argue that the Judge should, on receiving the notification, have immediately taken the verdicts that the jury had agreed on, rather than giving the further directions. We see no basis for argument that in the circumstances the course followed by the Judge was in error or that a miscarriage of justice may have occurred.

[3] The other proposed ground concerns the apparent departure by the jury in its deliberations, as revealed by the notification, from the Judge's initial direction that their verdict should be unanimous. We are satisfied that, in light of the Judge's further directions, no miscarriage of justice could have arisen from the way in which the jury deliberated.

[4] Accordingly, the application for leave to appeal is dismissed.

Solicitors:
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