

DEAN MCARTHUR KEOWN

v

THE QUEEN

Court: Elias CJ, Tipping and McGrath JJ  
Counsel: A J Bailey and M Starling for Applicant  
A Markham and K Laurenson for Crown  
Judgment: 16 February 2011

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**JUDGMENT OF THE COURT**

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**The application for leave to appeal is dismissed.**

**REASONS**

[1] The applicant seeks leave to appeal against a judgment of the Court of Appeal in relation to his appeal against sentence on drug charges.<sup>1</sup> The ground of the proposed appeal to this Court concerns the allowance made by the Court of Appeal in his sentence for the time the applicant spent on electronically monitored bail while on remand. The Court of Appeal had declined to draw analogies between electronically monitored bail and home detention and confirmed earlier sentencing decisions, which indicated that sentencing judges should take a flexible approach to

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<sup>1</sup> [2010] NZCA 492.

allowances for time spent on electronically monitored bail taking into account all relevant circumstances.

[2] In light of this Court's judgment in *R v Hessel*,<sup>2</sup> we see no arguable basis for argument that a more structured approach should be taken to sentencing those who have been on electronically monitored bail. We are also satisfied that there is no basis for the proposed contention that there was a miscarriage of justice in the circumstances of this particular case.

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

Solicitors:  
Crown Law Office, Wellington

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<sup>2</sup> [2010] NZSC 135; [2010] 24 CRNZ 966 (SC).