

**PUBLICATION OF NAMES OR IDENTIFYING PARTICULARS OF
COMPLAINANTS PROHIBITED BY S 139 CRIMINAL JUSTICE ACT 1985.**

IN THE SUPREME COURT OF NEW ZEALAND

**SC 137/2010
[2011] NZSC 13**

W

v

THE QUEEN

Court: Blanchard, McGrath and William Young JJ

Counsel: W M Johnson for Applicant
K A L Bicknell for Crown

Judgment: 8 March 2011

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] The proposed appeal has no prospect of success. The Court of Appeal was quite right to think that nothing had emerged at trial which would have justified leave being given under s 44 of the Evidence Act 2006 to cross-examine witness R and the complainant about her sexual experience with R. Nor was there any reason that defence counsel should have been allowed to cross-examine her about her decision to leave home to be with her boyfriend. This had no relevance to the

alleged prior offending by the applicant. The evidence of prior consistent statements was admissible and the Judge's direction about those statements was not erroneous.

[2] This is not one of those rare cases in which this Court might interfere with the sentence. It was both in line with the guideline judgment and consistent with prior case law.

Solicitors:
Crown Law Office, Wellington