

CAROL MARGARET DOWN

v

THE QUEEN

Court: Tipping, McGrath and William Young JJ

Counsel: A D Banbrook for Applicant
F Sinclair for Crown

Judgment: 12 August 2011

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] The applicant seeks leave to appeal from a decision of the Court of Appeal which dismissed her appeal against convictions for dishonestly using documents and the sentence imposed.¹ The principal thrust of the applicant's contention that she was wrongly convicted is evidentiary. Additional points are raised concerning the breadth of the concept of use, inconsistency of verdicts, the publication of an allegedly prejudicial newspaper article, and the length of her sentence.

¹ *Down v R* [2011] NZCA 138.

[2] None of these matters raise any point of general or public importance sufficient to justify a grant of leave. Nor do we have any concern that refusal of leave might occasion a substantial miscarriage of justice. The Court of Appeal dealt fully and carefully with the applicant's grounds of appeal when deciding that the appeal to that Court should be dismissed. Nothing has been put forward that would justify a second appeal in accordance with the relevant statutory provisions. The application for leave to appeal to this Court must therefore be dismissed.

Solicitors:
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