

IN THE SUPREME COURT OF NEW ZEALAND

**SC 52/2009
SC 53/2009
[2011] NZSC 103**

JOHN KENNETH SLAVICH

v

THE QUEEN

Court: Blanchard and McGrath JJ

Counsel: Applicant in Person
M E Ball for Crown

Judgment: 13 September 2011

JUDGMENT OF THE COURT

The application for recall is dismissed

REASONS

[1] Mr Slavich applies for recall of this Court's judgment of 10 August 2009¹ in which it declined to grant him leave to appeal the dismissal by the Court of Appeal of his appeal against conviction on sundry fraud offences.²

[2] He seeks to raise again one factual matter previously put before this Court, namely whether the trial Judge who found him guilty had considered both a brief of evidence of one of the witnesses and a transcript of answers given by that witness during a telephone conference. It is contended again that the Judge did not consider

¹ *R v Slavich* [2009] NZSC 87.

² *R v Slavich* [2009] NZCA 188.

the latter, in which the witness is said to have contradicted in some respects what she had said in the former.

[3] The material to which the applicant directs attention is not fresh. It was all before the Court of Appeal which was satisfied that the Judge considered the content of both documents. That conclusion is hardly surprising as the Judge directly and expressly referred to both in his Reasons for Verdict.³ He expressly refers to the answers given by the witness, which is clearly a reference to answers given to questions put during the conference.

[4] Nothing new has been put forward which provides any basis for recall of this Court's judgment.

Solicitors:
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³ *R v Slavich* HC Hamilton CRI-2006-419-89, 12 October 2006 at [15]–[17].