

IOWANE SERU SUCUTURAGA

v

THE QUEEN

Court: Blanchard, Tipping and McGrath JJ
Counsel: P H B Hall and K H Cook for Applicant
K A L Bicknell for Crown
Judgment: 3 February 2011

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] The applicant seeks leave to appeal from the decision of the Court of Appeal dismissing his appeal against convictions for sexual violation by rape. The grounds of his proposed appeal can be grouped broadly under four headings: inconsistency of verdicts; jury irregularities; effect of inadmissible evidence; and fresh evidence. As regards the first three of these grounds, the Court of Appeal gave careful attention to the points raised and we are not persuaded that the applicant has raised anything which would justify a second appeal. As regards the fresh evidence ground, the Court of Appeal found that this evidence was not credible. The applicant has shown

no basis upon which this Court might properly reassess that finding, which was made after the Court had seen and heard the witness concerned.

[2] In short, therefore, we are not persuaded that the applicant has raised any matter of sufficient arguability and general importance to justify leave. Nor are we persuaded that a substantial miscarriage of justice might occur if leave were not granted. For these reasons the application must be dismissed.

Solicitors:
Crown Law Office, Wellington