

JACQUELINE ELAINE WIHONGI

v

THE QUEEN

Court: Tipping, McGrath and William Young JJ

Counsel: R Fairbrother for Applicant
M H Cooke for Crown

Judgment: 6 March 2012

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] The applicant seeks leave to appeal against a sentence of 12 years imprisonment imposed on her by the Court of Appeal. That sentence was substituted for one of 8 years imprisonment imposed in the High Court following the applicant's conviction for murder. The High Court was satisfied that life imprisonment should not be imposed in view of the particular circumstances of the case.

[2] The Solicitor-General appealed. The Court of Appeal upheld the High Court's decision not to impose life imprisonment but considered the finite term imposed in its place was manifestly inadequate. The Solicitor-General's appeal was allowed to that extent.

[3] The applicant submits that several matters of principle and public importance arise out of the Court of Appeal's judgment. She also contends that a substantial miscarriage of justice may occur if she is not given leave to appeal. We do not accept those propositions. The issues which the Court of Appeal addressed, and on which its decision to increase the finite term was based, are very fact-specific. There are no matters arising which could reasonably be regarded as having any general or precedent significance divorced from the very special circumstances of this case. Nor are we persuaded that any miscarriage of justice arises as a result of the 12 year term imposed. The Court of Appeal's conclusion that the finite term imposed in the High Court was demonstrably too short was well open to it on the facts of this case.

[4] For these reasons the application for leave to appeal must be dismissed.

Solicitors:
Crown Law Office, Wellington