

**NOTE: PUBLICATION OF NAME OR IDENTIFYING PARTICULARS OF
COMPLAINANT PROHIBITED BY S 139 OF THE CRIMINAL JUSTICE ACT
1985.**

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI

**SC 80/2019
[2019] NZSC 99**

BETWEEN PETER ROBERT HOWSE
 Applicant

AND THE QUEEN
 Respondent

Court: Winkelmann CJ, Glazebrook and Ellen France JJ

Counsel: Applicant in Person
 J A Eng for Respondent

Judgment: 20 September 2019

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] Mr Howse was convicted in 1999 of an aggravated robbery and associated abduction and sexual offending.¹ He was sentenced to preventive detention. He applies to this Court for leave to appeal against that conviction and sentence.

[2] The Crown has found no record of any appeal to the Court of Appeal in relation to this offending. Mr Howse's application therefore seems to be for a first appeal to this Court.

¹ *R v Howse* HC Wellington T No 1944/98, 19 February 1999 (Neazor J).

[3] In any event, the Crown points out that there is no right of appeal to this Court against a decision made by any New Zealand court before 1 January 2004 unless all parties to the proceeding agree in writing that an application for leave should be made to this Court.²

[4] The Crown does not agree to the application being made to this Court.³ This means that there is no right of appeal to this Court and the application must be dismissed for lack of jurisdiction.

Result

[5] The application for leave to appeal is dismissed.

Solicitors:
Crown Law Office, Wellington for Respondent

² Supreme Court Act 2003, s 51(2)(d); and Senior Courts Act 2016, sch 5, cl 4(2)(d). See *Lundy v R* [2013] UKPC 28, [2014] 2 NZLR 273 at [10].

³ The Crown submits that the appropriate course, if Mr Howse wishes to try to pursue an appeal, would be an application to the Court of Appeal to appeal out of time.