

IN THE SUPREME COURT OF NEW ZEALAND

**SC 51/2007
[2007] NZSC 76**

GEORGE CHARLIE BAKER

v

THE QUEEN

Court: Blanchard, Tipping and McGrath JJ

Counsel: C Wilkinson-Smith for Applicant
M D Downs for Crown

Judgment: 19 September 2007

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] The applicant seeks leave to appeal against the dismissal by the Court of Appeal of his appeal against a minimum period of imprisonment of 18 years associated with a sentence of life imprisonment for murder. The sentence was imposed following a determination that ss 103 and 104 of the Sentencing Act 2002 required a minimum period of imprisonment of at least 17 years. The sentencing Judge adopted a starting point of 20 years which he discounted by two years to allow for a guilty plea at an early stage of the proceedings.

[2] No question of general sentencing principle arises nor is there any appearance of a miscarriage of justice in the sentence imposed. Indeed, it was well merited for a very brutal and cowardly murder of a vulnerable youth. It is of course the final product of the sentencing process, namely the sentence (or in this case minimum non-parole period) actually imposed, with which an appellate court is primarily concerned. The applicant asserts that he did not receive a sufficient discount but the sentencing Judge could equally well have adopted a higher starting point and thereby arrived at the same result.

Solicitors:
Crown Law Office, Wellington