

WAYNE GOODWIN JANSE

v

THE QUEEN

Court: McGrath, William Young and Chambers JJ

Counsel: Applicant in Person
P D Marshall for Crown

Judgment: 14 August 2012

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] The applicant seeks leave to appeal against the judgment of the Court of Appeal upholding his conviction by a jury on charges of injuring with intent a male complainant and assault of a female, being his former partner.¹ The applicant was sentenced to community detention and community work and was ordered to pay reparation of \$3,000 to the male victim. He also seeks leave to appeal against the dismissal by the Court of Appeal of his appeal against that sentence.

¹ *Janse v R* [2012] NZCA 214.

[2] The applicant advances three grounds for the conviction appeal. First, he contends that the Court of Appeal was not impartial in determining his claim of bias by the trial Judge in relation in particular to what he said in his summing up. The applicant's criticisms of the Court of Appeal's judgment, however, provide no support for his allegation of actual or apparent bias. Nor do they support his complaints of bias by the trial Judge. The Court of Appeal carefully and objectively examined and dismissed complaints of bias in respect of the trial Judge's summing up and we are satisfied there is no basis for a further appeal on that point.

[3] Secondly, the applicant complains about the lies direction of the trial Judge and the absence of any such direction in relation to the evidence of the complainants. We see no arguable point arising from the Court of Appeal's dismissal of these criticisms, nor those raised concerning the direction the Judge gave on self-defence.

[4] Thirdly, the applicant contends the verdicts were unreasonable. These criticisms related to factual matters in dispute that were fully before the jury at the trial. They give rise to no issues of principle. Nor do the applicant's criticisms of his trial counsel and the prosecutor. These matters were adequately addressed by the Court of Appeal.

[5] Overall, we are satisfied that it is not arguable that a miscarriage of justice has occurred, and that there is no other reason making it necessary in the interests of justice for this Court to give leave to bring another appeal. The applicant has not made any submissions specifically addressed to his application for leave to appeal against sentence. We are, in any event, satisfied that the sentence imposed gives rise to no question of principle and was entirely appropriate for his offending. The application is accordingly dismissed.

Solicitors:
Crown Law Office, Wellington