

IN THE SUPREME COURT OF NEW ZEALAND

**SC 45/2006
[2006] NZSC 83**

MOSHEN AGHABIGGI

v

THE QUEEN

Court: Tipping, McGrath and Anderson JJ

Counsel: Applicant in Person
P K Feltham for Crown

Judgment: 5 October 2006

JUDGMENT OF THE COURT

A. The application for leave to appeal is dismissed.

REASONS

[1] The applicant, Mr Aghabiggi, was convicted of fraud and sexual charges involving two complainants. His appeal to the Court of Appeal was dismissed. He seeks to raise in this Court the same three grounds as those which failed in the Court of Appeal. They involve late disclosure of information by the police; the refusal by the trial Judge of a request for an adjournment to enable a defence witness to be called; and an allegation that the Judge's summing up was defective in relation to the fraud counts. In addition Mr Aghabiggi seeks to raise two grounds not raised in the Court of Appeal. They concern the question of the admissibility of certain evidence

on the ground that it was more prejudicial than probative; and a further matter relating to the sufficiency of the pre-trial disclosure made by the police.

[2] None of the proposed grounds raises any matter of general or public importance. They are all specific to this case and have little or no significance beyond that compass. In part the grounds seek to put before the Court a version of events which is different from that advanced at trial and without any cogent evidential basis.

[3] Having given the intended grounds careful consideration we are of the view that they do not give rise to any concern that a substantial miscarriage of justice might occur if the proposed appeal is not heard. In short, the applicant is seeking to have this Court hear a second general appeal. Nothing is raised to warrant the grant of leave in terms of s 13 of the Supreme Court Act 2003. Hence the application must be dismissed.

Solicitors:
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