

IN THE SUPREME COURT OF NEW ZEALAND

**SC 83/2006
[2006] NZSC 107**

BRENDON DOUGLAS NEAL FORREST

v

THE QUEEN

Court: Blanchard, Tipping and McGrath JJ

Counsel: Applicant in Person
B J Horsley for Crown

Judgment: 11 December 2006

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] The applicant seeks leave to appeal against the Court of Appeal's dismissal of his appeal against a three year sentence of imprisonment on charges of demanding money with menaces and of threatening to kill.

[2] Where a sentence has been reviewed in the Court of Appeal and no question of law or general sentencing principle is raised, a further appeal to this Court will rarely be warranted by the interests of justice. We are satisfied that there is nothing exceptional about this case. The Court of Appeal has appropriately dealt with the factual errors made by the sentencing Judge. The sentence was imposed

cumulatively on a sentence already being served and was in accordance with sentencing principles.

[3] The applicant complains that one of the Court of Appeal Judges had sat on his appeal against that earlier sentence. However, the length of that sentence was no longer in issue. A judge is not disqualified from sitting on a criminal case merely because of some previous involvement with the person concerned in a judicial capacity. There was no reason for the Judge to disqualify himself from the present case.

Solicitors:
Crown Law, Wellington