

IN THE SUPREME COURT OF NEW ZEALAND

SC 11/2006
[2006] NZSC 7

BETWEEN	ALWYN KEITH CAIE Appellant
AND	THE ATTORNEY-GENERAL AND THE NEW ZEALAND POLICE Respondents

Court: Elias CJ, Blanchard and Tipping JJ

Counsel: Appellant in Person
A R Burns for Respondent

Judgment: 10 March 2006

JUDGMENT OF THE COURT

- A. The application for leave to appeal is dismissed.**
- B. No order for costs is made.**

REASONS

[1] Mr Caie seeks leave to appeal a decision of the Court of Appeal delivered on 27 December 2005 in CA 108/01. He asserts that he has not had a fair or impartial hearing in the High Court (where he was successful in obtaining damages against the police for what the trial judge described as a “technical false imprisonment”)¹ and in the Court of Appeal (where he was unsuccessful in his appeal to secure a rehearing). The Court of Appeal pointed out that the appeal was most unusual. Mr Caie had won in the High Court. He did not appeal against the level of damages awarded (\$10,000 together with costs) but he wanted to have the whole case reheard in order to expose what he says was perjury by police witnesses and misconduct by his

¹ *Caie v Attorney-General* (HC AK CP334/SD99, 6 April 2001).

counsel at the trial. As the Court of Appeal pointed out, a successful party cannot appeal the reasoning which has led to a successful result.²

[2] In his submissions in support of the application for leave to appeal under s 12 of the Supreme Court Act 2003, Mr Caie asserts lack of impartiality on the part of the trial judge and the Court of Appeal judges and claims conspiracy to pervert the course of justice involving the Auckland High Court and the prosecutor who appeared at the trial. He complains about the length of time allowed by the Court of Appeal for hearing the appeal. The submissions do not identify error in the decision, but are concerned with grievances about the process adopted which are not shown to be material and which are themselves not substantiated. They are intemperately expressed, consisting in large part of slogans. They disclose no basis for a conclusion that it is in the interests of justice for the court to hear and determine the proposed appeal. No matter of general or public importance is raised. No substantial miscarriage of justice is identified. Indeed, the proposed appeal, like the appeal to the Court of Appeal itself, is misconceived. It seeks a rehearing in order for Mr Caie to ventilate grievances which are not shown to be material to the outcome of the proceedings in the High Court.

[3] The application is accordingly declined. We have concluded that the matter should be dismissed without requiring the respondent to make submissions. In those circumstances, we make no order for costs against the appellant.

Solicitors:
Crown Law Office, Wellington for Respondent

² *Amalgamated Builders Limited v Nyall Holdings Limited* (2000) 14 PRNZ 652 (CA).