

IN THE SUPREME COURT OF NEW ZEALAND

**SC 41/2007
[2007] NZSC 67**

JASON GLEN VINCENT

v

THE QUEEN

Court: Elias CJ, Blanchard and Tipping JJ

Counsel: Applicant in Person
B J Horsley for Respondent

Judgment: 21 August 2007

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] The Court of Appeal dismissed the applicant's appeal against his conviction after trial on a charge of wounding with intent to injure. He had previously pleaded guilty to a charge concerning the same offence on a separate occasion. The Court of Appeal allowed the Crown's appeal against a sentence of finite terms of imprisonment on the two charges, replacing it with a sentence of preventive detention. It ordered that the applicant serve a minimum period of five years' imprisonment.

[2] The applicant seeks leave to appeal against both conviction and sentence. We are satisfied that there is no merit in the proposed appeal. The incident occurred in a prison where he was a sentenced prisoner. He asserts that the jury might have accepted his account if it had been made aware why he was already in prison. It was for the rape of an elderly woman. He says that is why others attacked him and that he accidentally wounded one of them with (he says) a pen. It is plain, however, that if the jury had been made aware of the nature of his prior offending there was a very real danger of prejudice being engendered. Moreover, his account of the incident is simply unworthy of belief.

[3] So far as the sentence of preventive detention is concerned, there is no good reason for this Court to interfere with the decision made by the Court of Appeal. The psychological reports before that Court revealed a high risk of re-offending. The sentence of preventive detention was necessary for the protection of the public and the Court of Appeal has very properly ensured that the position will be reviewed after five years.

Solicitors:

Crown Law Office, Wellington