

**IN THE SUPREME COURT OF NEW ZEALAND**

**SC 2/2007  
[2007] NZSC 28**

**GAIL DENISE MANEY**

v

**THE QUEEN**

Court: Elias CJ, Blanchard and Tipping JJ

Counsel: P J Kaye for Applicant  
K B F Hastie for Crown

Judgment: 1 May 2007

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**JUDGMENT OF THE COURT**

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**The application for leave to appeal is dismissed.**

**REASONS**

[1] The applicant was convicted of murder on a retrial. Her appeal to the Court of Appeal was dismissed. Substantially out of time, she now seeks leave to appeal to this Court. There is no adequate explanation for the delay of nearly 17 months.

[2] The ground of the proposed appeal is that an important witness for the prosecution has recanted her evidence. The Court of Appeal concluded that the new evidence of this witness lacked credibility. The Court reached this conclusion after hearing the witness give evidence orally “for several hours”. The proposed ground

does not raise any matter of general or public importance and we agree with the Court of Appeal that there is “no basis for thinking there has been a miscarriage of justice”.

[3] As the applicant has been unable to establish a qualifying ground of appeal, her application for leave to appeal must be dismissed. We observe also that, for an application for leave to be granted after an inexcusable delay of the present length, the applicant must ordinarily demonstrate a compelling case for the granting of leave.

Solicitors:  
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