

**IN THE SUPREME COURT OF NEW ZEALAND**

**SC 95/2006  
SC 3/2007  
SC 4/2007  
SC 7/2007  
[2007] NZSC 35**

**JOHN ANTHONY REID  
PETER WILLIAM RUSSEL  
PETER MICHAEL CONNOLLY  
JOHN DONALD CURRIE**

**v**

**THE QUEEN**

**Court:** Blanchard, Tipping and Anderson JJ

**Counsel:** M A Gilbert for Appellant Reid  
J R Billington QC for Appellant Russel  
H Fulton for Appellant Connolly  
J Haigh QC for Appellant Currie  
J Farmer QC and M J Ruffin for Crown

**Judgment:** 29 May 2007

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**JUDGMENT OF THE COURT**

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- A. The applications for leave to appeal are granted in each case.**
- B. The application for leave to cross-appeal is refused.**
- C. The approved ground of appeal in each case is whether the Court of Appeal correctly determined that the trial Judge had erred in the exercise of his discretion to award costs to the appellants pursuant to the Costs in Criminal Cases Act 1967.**
- D. Costs are reserved.**

## **REASONS**

[1] The respondent's application for leave to cross-appeal in the cases of Mr Connolly and Mr Currie is refused on the basis that the points which the proposed cross-appeal seeks to raise do not qualify for leave in terms of s 13 of the Supreme Court Act 2003.

[2] We do not consider the points which the respondent wishes to advance under the misuse of discretion head raise matters which are of sufficient general or public importance to warrant a grant of leave. They are substantially influenced by the particular circumstances of the present cases and the weight to be given to relevant aspects. They do not in our view raise matters of general principle.

[3] So far as the "private façade correspondence" is concerned, it is entirely fact and case specific and does not raise any matter which can properly be regarded as being of general or public importance.

[4] Nor do we consider that there is any appearance of a substantial miscarriage of justice on any basis relevant to the proposed cross-appeal.

[5] In short, having carefully reviewed all the matters raised by the respondent in support of its application, we are not satisfied that it is necessary in the interests of justice for the Court to hear and determine the proposed cross-appeal.

[6] Unless any party seeks and obtains an order to the contrary the four appeals should be heard together.

Solicitors:  
Gilbert Walker, Auckland for Appellant Reid  
Castle Brown, Newmarket for Appellant Russel  
McCabe & Co, Wellington for Appellant Connolly  
Swarbrick Beck, Auckland for Appellant Currie  
Serious Fraud Office, Auckland