

IN THE SUPREME COURT OF NEW ZEALAND

**SC 84/2006
[2007] NZSC 3**

WI TE TAU HUATA

v

THE QUEEN

Court: Blanchard, Tipping and McGrath JJ

Counsel: S D Patel for Applicant
J C Pike for Crown

Judgment: 15 February 2007

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] The applicant was found guilty on four counts of fraud and one of attempting to defeat the course of justice. He appealed to the Court of Appeal on two grounds; first that the verdicts were unreasonable and could not be supported having regard to the evidence, and second that fresh evidence was available which should lead to a new trial being ordered. His appeal was dismissed.

[2] He now seeks leave to appeal to this court on the same two grounds and on two others which seek to raise fair trial and Bill of Rights issues. The original grounds clearly involve nothing of significance beyond the present case. They do not raise any matter of general or public importance.

[3] The additional grounds lack specificity and, as presented, seem to represent an attempt to have this court embark on a second general appeal. There is nothing we can discern which might properly be regarded as raising any point of general or public importance. Nor is there, on any ground, any tenable basis for concluding that a substantial miscarriage of justice might occur if leave is not granted. In short, therefore, we are satisfied that the applicant has failed to demonstrate any of the statutory grounds for the granting of leave.

[4] His application must therefore be dismissed.