

**MATTHEW RICHARD BROWN**

v

**THE QUEEN**

Court: Elias CJ, McGrath and Wilson JJ

Counsel: Applicant in Person  
B J Horsley for Crown

Judgment: 10 October 2008

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**JUDGMENT OF THE COURT**

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

**REASONS**

[1] The applicant seeks leave to appeal against the dismissal by the Court of Appeal of his appeal against conviction by a jury on a charge of injuring with intent. He was sentenced to 300 hours community work and ordered to pay reparation of \$2,000 to the complainant.

[2] We have considered written submissions from the applicant, which traverse a number of proposed grounds of appeal, most of which concern criticisms of the different counsel representing him at his trial and appeal hearing. Mr Brown seeks

to argue that his counsel at both trial and on appeal provided inadequate representation by failing to call a number of witnesses to give medical evidence. He further argues that his appeal counsel incorrectly advised him to waive legal privilege in relation to his trial counsel and that his trial counsel gave inaccurate evidence during the Court of Appeal hearing. There are also criticisms of the conduct of prosecution counsel at the trial. Mr Brown seeks to argue that Crown counsel inappropriately commented on the lack of medical witnesses and the fact that Mr Brown had been advised to plead guilty.

[3] This Court is required by s 13 of the Supreme Court Act 2003 not to give leave to appeal unless it is necessary in terms of the interests of justice that the Court hear and determine the appeal. That requirement is not met in the present case. No question of general or public importance is raised by the grounds proposed by Mr Brown. All the grounds of appeal turn on matters that are specific to the facts of the case, including those which make what are broad and unsubstantiated complaints about the actions of his counsel. The complaints concerning his trial were thoroughly considered by the Court of Appeal. The legislation does not contemplate that we should repeat the sort of general review of the process that is undertaken at the first level of appeal.

[4] We have not been persuaded that the applicant has an arguable case or that a miscarriage of justice may have occurred.

[5] The application for leave to appeal is accordingly dismissed.

Solicitors:  
Crown Law Office, Wellington