

IN THE SUPREME COURT OF NEW ZEALAND

**SC 43/2008
[2008] NZSC 82**

TAREQ ABDEL RAHIM ZAITON

v

THE QUEEN

Court: Blanchard, Tipping and McGrath JJ

Counsel: B J Hart for Applicant
N P Chisnall for Crown

Judgment: 20 October 2008

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] The applicant has sought leave to appeal against dismissal of his appeal to the Court of Appeal against convictions on four counts of sexual violation and three counts of indecent assault of a young female relative.

[2] The only point sought to be raised in this Court is that there was a miscarriage of justice resulting from late disclosure of evidence at the appellant's second trial. (There had been a jury disagreement at the first trial.)

[3] However, the evidence in question relates to one of the charges only, involving an indecent touching, which occurred some years after the bulk of the offending. It concerns the identification of a man said by the complainant to have been riding in the applicant's car with the complainant and the applicant dropped off before they reached the family home where the assault occurred. Like the Court of Appeal, we have not been satisfied that this issue could have had any real significance for the jury. It gives rise to no appearance of miscarriage of justice and it certainly raises no question of general or public importance.

Solicitors:
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