

ALFRED TAENGA MATA

v

THE QUEEN

Court: Elias CJ, McGrath and Wilson JJ

Counsel: P T R Heaslip for Applicant

Judgment: 15 September 2008

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] Mr Mata has applied for leave to appeal directly to this Court against a judgment of Judge Bouchier delivered in the District Court at Manukau on 14 August,¹ ruling that evidence of alleged “propensity” was admissible at the forthcoming trial of the applicant.

[2] If this were an application for leave to appeal from a judgment of the Court of Appeal dismissing after trial an appeal against the judgment of Judge Bouchier, leave could well be granted. Leave to appeal directly from a trial Court to this Court under s 14 of the Supreme Court Act 2003, without appealing to the Court of

¹ CRI 2007-092-006967.

Appeal, will however be granted only in exceptional circumstances.² The present application does not establish such circumstances. Before embarking upon any consideration of the issues sought to be raised, this Court would want to have the benefit of the views of the Court of Appeal on these issues.

[3] Leave to appeal is therefore refused.

Solicitors:
P T R Heaslip, Auckland for Applicant
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² *Clark v R* [2005] NZSC 23.