

WAYNE DARREN MCGREGOR

v

THE QUEEN

Court: Blanchard, Tipping and Wilson JJ

Counsel: G Mason for Applicant  
K B F Hastie for Respondent

Judgment: 28 February 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 to enable *R v Taueki* [2005] 3 NZLR 372, the guideline judgment of a Full Court of the Court of Appeal on sentencing for offending causing grievous bodily harm, to be considered by this Court. The sentence imposed was in accordance with that decision.

[2] Reconsideration of *Taueki* was not sought in the Court of Appeal. That is in itself a reason for refusing leave. Before reviewing any sentencing guidelines, this

Court would want to have the benefit of the views of the Court of Appeal, as the Court with the principal responsibility for keeping sentence levels under review.

[3] This Court will also be reluctant to interfere with the assessment of the Court of Appeal, except where it is clear that some error of principle has been made in the setting of appropriate sentencing levels. That is not the position here.

[4] There is a further reason for refusing the present application. The Sentencing Council Act 2007 is now in force and establishes a Sentencing Council which is to supervise sentencing levels for the future. It would be inappropriate for this Court to anticipate any revision which the Sentencing Council, when established, might make under its legislation.

[5] The application is therefore dismissed.

Solicitors:  
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