

IN THE SUPREME COURT OF NEW ZEALAND

**SC 104/2009
[2009] NZSC 133**

GLEN THOMAS DOUGLAS GOLLOP

v

THE QUEEN

Court: Elias CJ, Tipping and Wilson JJ

Counsel: P T R Heaslip for Applicant
B D Tantrum for Crown

Judgment: 17 December 2009

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] Having been found guilty of drug related offending, the applicant was sentenced by Winkelmann J to 12 years imprisonment, with a minimum of six years to be served. He appealed unsuccessfully to the Court of Appeal¹ against his conviction and sentence. The applicant now seeks leave to appeal to this Court on two grounds, first that there was an insufficient evidential basis to establish what was found to be the scale of his offending and secondly because, contrary to the

¹ *R v Rhodes* [2009] NZCA 486.

requirement of s 30 of the Sentencing Act 2002, he was not represented by counsel when the minimum term of imprisonment was imposed.

[2] Winkelmann J was fully entitled to conclude, from the evidence which had been given at trial (where the applicant did not give or call evidence), that the scale of the applicant's offending was at the level she found. The second proposed ground has even less merit. As the sentencing notes of Winkelmann J make clear, the Judge heard and had regard to submissions from counsel for the applicant as to whether a minimum term should be imposed.

[3] No question of general or public importance arises for consideration by this Court. There is no appearance of any substantial miscarriage of justice. The application must therefore be dismissed.

Solicitors:
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