

IN THE SUPREME COURT OF NEW ZEALAND

**SC 20/2009
[2009] NZSC 56**

EDIN BOZZ BOSKOVIC

v

THE QUEEN

Court: Tipping, McGrath and Wilson JJ

Counsel: C J Tennet for Applicant
K A L Bicknell for Crown

Judgment: 3 June 2009

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] This application is for leave to appeal from a decision of the Court of Appeal upholding the applicant's conviction for sexual violation by rape. The proposed grounds centre around allegations of incompetence by trial counsel who also represented the applicant in the Court of Appeal. The application is made two years out of time.

[2] We are not satisfied that it is necessary in the interests of justice to give leave to appeal. Despite the submissions of counsel for the applicant, we do not regard the case as raising any sufficiently important matter of general principle. We accept the submissions of counsel for the Crown in that respect. We also accept the Crown's submission for the reasons advanced that it is not necessary to grant leave on account of any concern that a substantial miscarriage of justice may have occurred or may occur if leave is not granted.

[3] The application must therefore be dismissed.

Solicitors:
Crown Law Office, Wellington