

**IN THE SUPREME COURT OF NEW ZEALAND**

**SC 5/2009  
[2009] NZSC 45**

**ARTHUR WILLIAM TAYLOR**

**v**

**THE QUEEN**

Court: Tipping, McGrath and Wilson JJ

Counsel: Applicant in person  
M E Ball for Crown

Judgment: 15 May 2009

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**JUDGMENT OF THE COURT**

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**The application for leave to appeal is dismissed.**

**REASONS**

[1] The only possible point of general importance raised in this application concerns the issue of previous acquittal. At the heart of that question is whether a pre-trial s 347 discharge qualifies as a previous acquittal. This is a general point on which leave might, in some circumstances, be appropriate. In this case we decline to grant leave to argue the point because we consider the previous acquittal argument is, in any event, completely answered by the fact that the kidnapping and the

wounding were not sufficiently similar to support a plea of previous acquittal on the facts.

[2] There is therefore no prospect of the appeal succeeding, whatever the correct answer may be to the s 347 point. Furthermore, there is absolutely no basis for contending that leave is necessary on account of any miscarriage of justice. For these reasons the application must be declined.

Solicitors:  
Crown Law Office, Wellington