

IN THE SUPREME COURT OF NEW ZEALAND

**SC 52/2009
SC 53/2009
[2009] NZSC 87**

JOHN KENNETH SLAVICH

v

THE QUEEN

Court: Blanchard, McGrath and Wilson JJ

Counsel: Applicant in person
M E Ball for Crown

Judgment: 10 August 2009

JUDGMENT OF THE COURT

Both applications for leave to appeal are dismissed.

REASONS

[1] The applicant was convicted at trial by Judge alone of a number of dishonesty offences relating to his role in two transactions in which a group of fraudsters deceived financiers into believing they were advancing funds to the owners of certain properties. One of the group impersonated the owners. Mr Slavich knowingly assisted in the deception. As the Court of Appeal¹ found, the case against him was very strong.

¹ *R v Slavich* [2009] NZCA 188, CA 461/2007 (Chambers, Gendall and Allan JJ).

[2] Mr Slavich now seeks to appeal to this Court raising many detailed but ultimately unpersuasive arguments designed to cast doubt on the Judge's findings. Those findings have been confirmed by the Court of Appeal after hearing argument presented for the applicant by very experienced senior counsel. The applicant is, in essence, asking this Court to further review the facts. This is not our role in the absence of something suggesting that there may have been a miscarriage of justice, which we are satisfied has not occurred in this case.

[3] In particular, addressing a matter given special emphasis by the applicant, we are satisfied that it is not reasonably arguable that the Judge has fallen into error concerning the evidence of Mrs Calder.

[4] The applicant attempts to raise in this Court for the first time an argument that his trial counsel erred in failing to call as a defence witness the principal fraudster who may, it is suggested, have given evidence exculpatory of the applicant. Given the history of the offending, it may be thought unlikely that this would have been accepted by the jury. In any event, no confirmation of that person's willingness to give such evidence has been provided.

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