

IN THE SUPREME COURT OF NEW ZEALAND

**SC 70/2009
[2009] NZSC 102**

RALPH LINDSAY BRUNIE

v

THE QUEEN

Court: Tipping, McGrath and Wilson JJ

Counsel: A J McKenzie for Applicant
K Bicknell for Crown

Judgment: 7 October 2009

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] This applicant seeks leave to appeal to this Court against a decision of the Court of Appeal which reduced a total effective sentence of seven years imprisonment on three sexual charges, to an effective sentence of six years imprisonment. His grounds of appeal are substantially the same as those which he advanced with only partial success in the Court of Appeal. We do not consider the application involves any matter of general or public importance, nor do we consider that a substantial miscarriage of justice may occur if leave to appeal is not granted.

[2] The various grounds advanced by the applicant are specific to the particular circumstances of the case. No point of law or general principle is involved. The Court of Appeal took the view that the District Court Judge had adopted an excessive starting point and this is what warranted the reduction of the overall sentence by one year.

[3] The applicant also suggests that the courts below have erred in characterising his offending as more serious than that involved in another unreported case. In essence the applicant seeks to have this Court conduct a fresh review of the particular circumstances of his offending. That is not the function of a second level appeal.

[4] For these reasons the criteria for the grant of leave are not made out and the application must be refused.

Solicitors:

Crown Law Office, Wellington