

ANTHONY HUGH CLOSE

v

THE QUEEN

Court: Elias CJ, Blanchard and William Young JJ

Counsel: C W J Stevenson for Applicant
K A L Bicknell for Crown

Judgment: 16 December 2011

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] The applicant was sentenced to imprisonment for five years and seven months on his pleas of guilty to nine counts of importing the class B controlled drug gamma-butyrolactone (GBL).¹ His appeal against sentence was dismissed by the Court of Appeal² and he now seeks leave for a further appeal.

[2] In submissions in support of the application counsel for the applicant suggests that this Court should reconsider the sentencing guidance in relation to class

¹ *R v Close* DC Wellington CRI-2009-085-5899, 8 October 2010.

² *Close v R* [2011] NZCA 434.

B drugs given by the Court of Appeal in *R v Wallace and Christie*.³ Counsel also noted that this guidance was provided in the context of methamphetamine (then a class B drug) and not GBL and suggested that it ought not to be applied in GBL cases.

[3] The sentence in this case was fully reviewed by the Court of Appeal. We can discern no arguable error of principle. It would therefore be inappropriate for us to repeat the review exercise.

Solicitors:
Crown Law Office, Wellington

³ *R v Wallace* [1999] 3 NZLR 159 (CA).