

WENDY MAREE EGEN

v

THE QUEEN

Court: Elias CJ, McGrath and William Young JJ

Judgment: 16 December 2011

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] The applicant seeks leave to appeal against her conviction by a jury on charges involving three incidents of assaults on her teenage daughter. She was sentenced to 125 hours community work and 9 months supervision. The Court of Appeal¹ has dismissed her appeals against conviction and sentence in a judgment which includes a full discussion of the evidence given at the applicant's trial.

[2] The proposed ground of appeal to this Court is that the applicant had wanted to testify at her trial but, on the advice of her lawyer, was discouraged from doing so.

[3] The applicant is not represented by counsel. Her written submissions in support of her application for leave to appeal were due on 24 November 2011. On

¹ *Egen v The Queen* [2011] NZCA 372.

1 December 2011 the Registrar wrote to her telling her to file submissions by 5 December at the latest. They are still not to hand.

[4] In those circumstances, we have considered the judgment of the Court of Appeal and what is said in the application for leave to appeal concerning the proposed ground of appeal. We are satisfied that the application does not raise an arguable issue that there has been a miscarriage of justice. Nor is there any other ground available that would make it in the interests of justice that the applicant should have leave to bring a further appeal.

[5] The application for leave to appeal is accordingly dismissed.