

GRAHAM ASHLEY ROBERT PALMER

v

THE QUEEN

Court: Elias CJ, Blanchard and Tipping JJ

Counsel: Applicant in Person
K A L Bicknell for Respondent

Judgment: 22 March 2011

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] The applicant was convicted in March 2009 of an offence of dishonestly using a Goods and Services Tax return contrary to s 228(b) of the Crimes Act 1961. He was sentenced to 15 months imprisonment on 29 May 2009. An appeal to the Court of Appeal against conviction and sentence was dismissed on 5 March 2010. The present application seeks leave to appeal further to this Court.

[2] The notice of appeal was not filed until 8 December 2010, some 8 months out of time. Inadequate explanation is given for the delay and we are not prepared to extend time without compelling explanation.

[3] In addition, the proposed appeal attempts to re-litigate factual arguments and complains about factual errors in the trial Judge's summing-up, fully answered in the reasons of the Court of Appeal in dismissing the applicant's appeal to that court.

[4] No matter of general or public importance is raised by the proposed further appeal. We are satisfied that there is no risk of substantial miscarriage of justice if the appeal is not heard. In those circumstances, the jurisdictional basis for leave to appeal contained in s 13(1) of the Supreme Court Act 2003 would not have been made out even had leave to appeal been sought within time.

Solicitors:
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