

IN THE SUPREME COURT OF NEW ZEALAND

**SC 29/2011
[2011] NZSC 70**

KAY HALTON SKELTON

v

THE QUEEN

Court: Elias CJ, Blanchard and William Young JJ

Counsel: B J Hart for Applicant
M J Inwood for Crown

Judgment: 27 June 2011

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] The applicant seeks leave to appeal against a sentence of imprisonment for two years eight months for perjury.¹ She was involved in a custody battle with her former partner concerning their six-year-old son. She falsely labelled buccal swabs and sent them to a laboratory seeking paternity analysis. Having obtained a test result she gave evidence in the paternity proceeding under oath concerning the swabs and the analysis when she obviously knew that evidence was false. She faced an overwhelming Crown case when charged with perjury but did not plead guilty until the day before trial, nearly two years after being charged.

¹ *R v Skelton* DC Hamilton CIR-2008-019-7272, 1 October 2010. Her appeal against sentence was dismissed by the Court of Appeal in *Skelton v R* [2011] NZCA 35.

[2] The perjury was very serious and if not detected could have had consequences for both the real father and the child. Ironically she has sought a lesser sentence on the basis of the rights of her children. She was fortunate to get any discount for her guilty plea (a four-month reduction was given) in the circumstances in which it was made. No miscarriage of justice is apparent.

Solicitors:
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