

ALLAN JOHN TODD

v

THE QUEEN

Court: Elias CJ, Blanchard and William Young JJ

Counsel: Applicant in person
B C L Charmley for Crown

Judgment: 16 April 2012

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] In May 2005 the Court of Appeal dismissed Mr Todd's appeal against his conviction and sentence for five offences of sexual violation.¹ His application for leave to appeal against that decision was not made until January of this year. It is thus some six and a half years out of time. Delay of this length requires the applicant to show a compelling case that the criteria for leave are met.

¹ *R v Todd* CA 265/04, 17 May 2005.

[2] The applicant's detailed submissions do not demonstrate such a case. They do not raise any question of general or public importance or create a concern that a substantial miscarriage of justice may have occurred. They essentially seek to relitigate the particular facts of the case and contend that there may possibly have been irregularities in the way in which the police investigation proceeded.

[3] Unless a real doubt about the result below is evident, this Court will not consider undertaking a second general re-examination of evidence where that has already been done by the Court of Appeal. An inquiry of the kind which the applicant is seeking is more appropriately done by way of an application to the Governor-General under s 406 of the Crimes Act 1961. Under that process it is possible for a full investigation to be undertaken. We should not, however, be taken to be giving any indication that such an application is warranted in this case

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