

MARK TERENCE PEARSON

v

THE QUEEN

Court: Blanchard, Tipping and William Young JJ

Judgment: 27 April 2012

---

**JUDGMENT OF THE COURT**

---

**The application for leave to appeal is dismissed.**

**REASONS**

[1] Mr Pearson seeks leave to appeal against his conviction for sexual violation by rape which was upheld by the Court of Appeal. His counsel has withdrawn and he has not himself filed any submissions after having been given the opportunity to do so. We have nevertheless considered the matters raised in the application for leave.

[2] The primary issue concerns the Court of Appeal's conclusion that insufficient grounds had been shown to justify interviewing a juror and obtaining that person's evidence under s 76 of the Evidence Act 2006. Nothing raised in the application for leave persuades us that a miscarriage of justice might arise if leave to appeal is not given. Nor are we satisfied that any other ground for leave to appeal has been established. The application is accordingly dismissed.