

ROSS NATHAN

v

THE QUEEN

Court: Blanchard, McGrath and Chambers JJ

Counsel: Applicant in Person

Judgment: 2 April 2012

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] The applicant appealed unsuccessfully to the Court of Appeal against a conviction of sexual violation by rape.¹ He was initially to be represented by counsel for the purpose of the present application to this Court but counsel withdrew after legal aid was declined. The applicant was given a further opportunity to make written submissions but has not done so.

[2] The sole proposed ground of appeal in the application for leave relates to evidence by the complainant that she would not want to have sex as her vagina was “too sore” at the time of the offending. The application, which is of course not verified, states that the applicant is aware of information, not led at the trial, that the

¹ *Nathan v R* [2011] NZCA 578.

complainant had consensual sexual intercourse some two days previously with another man.

[3] The proposed ground plainly does not raise any matter of general or public importance and without any verification could not be the basis of a further appeal on the ground that a substantial miscarriage of justice may have occurred. It would, in any event, appear not to advance the position of the applicant.