

NOTE: PUBLICATION OF NAME, ADDRESS, OCCUPATION OR IDENTIFYING PARTICULARS OF COMPLAINANT PROHIBITED BY S 203 OF THE CRIMINAL PROCEDURE ACT 2011.

IN THE SUPREME COURT OF NEW ZEALAND

**SC 27/2017
[2017] NZSC 75**

BETWEEN ALAN IVO GREER
Applicant

AND THE QUEEN
Respondent

Court: Elias CJ, William Young and Ellen France JJ

Counsel: Applicant in person
K S Grau for Respondent

Judgment: 16 May 2017

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] The applicant was found guilty of a number of serious offences (including rape) and was sentenced to preventive detention with a minimum period of imprisonment of 10 years. His appeal against conviction and sentence was dismissed and he now seeks leave to appeal.¹ He represented himself at trial albeit that the trial Judge appointed counsel to assist.

[2] On appeal to the Court of Appeal the applicant's primary complaint, as the Court understood it, was that he had been the victim of a conspiracy encompassing

¹ *Greer v R* [2016] NZCA 630 (Asher, Woodhouse and Ellis JJ).

the police, the prosecutors and the courts to deny him justice.² Faced with this, the Court appointed counsel to assist who identified two points which he considered to be worthy of argument.³ These were considered by the Court of Appeal and dismissed.⁴ Counsel was not able to identify a credible basis upon which the sentence could be challenged.⁵ The Court nonetheless reviewed the grounds upon which the sentence of preventive detention and minimum period of imprisonment had been imposed and, on the basis of this review, dismissed the appeal.⁶

[3] The grounds of appeal primarily identified by the applicant in his application for leave to appeal are variations on the conspiracy theme identified by the Court of Appeal. He also, however, complains about the participation of Wild J in directions hearings in respect of his appeal to the Court of Appeal (and in particular in requiring him to file a particularised grounds of appeal)⁷ and what he says has been a pattern of non-disclosure and failure to provide him the facilities he required to present his case.

[4] The complaints about Wild J and the directions he gave are misconceived and beside the point. The applicant did not comply with the directions. It was in light of this that the Court appointed counsel to assist. The Court of Appeal provided the applicant a fair opportunity to present his case which he did not take up. It is clear from the Court of Appeal judgment that counsel appointed to assist addressed, as best he could, the merits of the applicant's general complaints. Nothing that is of relevance to the present application came out of that exercise.

[5] The proposed appeal raises no point of general or public importance and there is no appearance of a miscarriage of justice.

[6] The application for leave to appeal is dismissed.

Solicitors:
Crown Law Office, Wellington for Respondent

² At [10].

³ At [13] and [15].

⁴ At [16]–[33].

⁵ At [34].

⁶ At [34]–[36] and [38]–[39].

⁷ *Greer v R* CA620/2014, 17 March 2015.