

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI

SC 153/2021
[2022] NZSC 18

BETWEEN PAUL ANDREW SNOWDEN
Applicant

AND COMMISSIONER OF POLICE
Respondent

Court: Glazebrook, O'Regan and Ellen France JJ

Counsel: A G Speed for Applicant
 M R Harborow and R S Ching for Respondent

Judgment: 8 March 2022

JUDGMENT OF THE COURT

- A The application for an extension of time to apply for leave to appeal is dismissed.**
- B There is no order as to costs.**
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REASONS

[1] Mr Snowden applies for an extension of time for leave to appeal. He seeks to appeal against a Court of Appeal judgment¹ dismissing his appeal against the High Court judgment² and allowing a cross-appeal by the Commissioner of Police (the Commissioner). The judgments relate to civil forfeiture orders under the Criminal Proceeds (Recovery) Act 2009 (CPRA).

¹ *Snowden v Commissioner of Police* [2021] NZCA 336 (Kós P, Brewer and Davison JJ).

² *Commissioner of Police v Snowden* [2020] NZHC 2036 (Gault J).

[2] Mr Snowden's application for leave to appeal is some three months out of time. The application for an extension of time is also opposed by the Commissioner.³

Our assessment

[3] Mr Snowden has not given sufficient explanation for the delay. In any event, the points he wishes to argue were thoroughly examined in the Courts below and largely relate to the particular circumstances of his case. They therefore do not give rise to issues of general or public importance.⁴ Nothing raised by Mr Snowden suggests a risk that the decisions in the Courts below may have been wrong and therefore there is no risk of a miscarriage of justice.⁵

Result

[4] The application for an extension of time to apply for leave to appeal is dismissed.

[5] No costs are sought by the respondent, who accepts that Mr Snowden is legally aided. We therefore make no order as to costs.

Solicitors:
Kearney Law, Auckland for Applicant
Meredith Connell, Auckland for Respondent

³ The Commissioner points to the effect of ss 82(2)(b) and 83(2)(b) of the Criminal Proceeds (Recovery) Act 2009 which means the forfeiture orders cannot be executed until all appeals are finally determined. Counsel for Mr Snowden drew the Court's attention to ss 82(3) and 83(3) in response to the Commissioner's submissions.

⁴ Senior Courts Act 2016, s 74(2)(a).

⁵ Section 74(2)(b).