

**PUBLICATION OF NAMES OR IDENTIFYING PARTICULARS OF
COMPLAINANTS PROHIBITED BY S 139 CRIMINAL JUSTICE ACT 1985.**

IN THE SUPREME COURT OF NEW ZEALAND

**SC 109/2009
[2010] NZSC 76**

ADRIAN STANLEY BUDD

v

THE QUEEN

Court: Blanchard and McGrath JJ

Counsel: Applicant in Person

Judgment: 12 July 2010

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] On 21 September 2009 the Court of Appeal granted Mr Budd's application to extend the time for his appeal to that Court but dismissed his appeal. It was against conviction and sentence for sexual offending on two young girls. His application for leave to appeal to this Court was not made until 23 November 2009 and so was out of time. Nevertheless, it was received and Mr Budd has been given several extensions of time for the filing of submissions in support of the application. None have been forthcoming. It is not apparent from his application what arguable grounds exist for a further appeal.

[2] Mr Budd's appeal to the Court of Appeal was based on allegations of inadequate preparation and advice by his trial counsel. The Court of Appeal received affidavit evidence from the applicant and trial counsel, who were cross-examined in that Court on their affidavits. Mr Budd was represented there by a new counsel. The Court did not accept Mr Budd's evidence. It was satisfied that trial counsel's performance was "more than adequate". It had no concerns which caused it to conclude that a miscarriage of justice had occurred.

[3] We have been provided with nothing from Mr Budd on the basis of which it would be appropriate to allow a further appeal.