

IN THE SUPREME COURT OF NEW ZEALAND

SC 29/2017  
[2017] NZSC 108

BETWEEN ALISTER JAMES REID  
Applicant

AND THE QUEEN  
Respondent

Court: William Young, O'Regan and Ellen France JJ

Counsel: J S Jefferson for Applicant  
J A Eng for Respondent

Judgment: 7 July 2017

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**JUDGMENT OF THE COURT**

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

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**REASONS**

[1] The applicant was found guilty at trial of aggravated robbery and demanding with menaces. The victim having died in a motorcycle accident before trial, the Crown relied as part of its case on the account of events given by the victim to a detective. Pre-trial challenges to the admissibility of this evidence were dismissed by the District Court<sup>1</sup> and Court of Appeal.<sup>2</sup> The applicant has appealed to the Court of Appeal against his sentence but seeks leave to appeal direct to this Court against conviction. The submissions on his behalf are directed primarily to the pre-trial decision of the Court of Appeal upholding the admissibility of the detective's evidence.

[2] The proposed appeal does not meet the stringent test for a leap frog appeal. It would necessarily require considerable attention to be paid to what happened at trial,

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<sup>1</sup> *R v Biles* DC Napier CRI-2013-020-3266, 14 November 2014 (Judge Adeane).

<sup>2</sup> *Reid v R* [2015] NZCA 175 (Wild, Clifford and Dobson JJ).

the evidence which was given, perhaps the addresses of counsel and certainly the directions of the trial Judge. It would be unrealistic to treat it as if it were simply an appeal against the pre-trial ruling.<sup>3</sup>

[3] Accordingly, the application for leave to appeal is dismissed.

Solicitors:  
Crown Law Office, Wellington for Respondent

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<sup>3</sup> Compare *Peters v R* [2006] NZSC 75.