

**IN THE SUPREME COURT OF NEW ZEALAND**

**SC 16/2005  
[2005] NZSC 28**

**BENJAMIN TURREI BROOKING**

v

**THE QUEEN**

Court: Gault J and Blanchard J  
Counsel: V C Nisbet for Applicant  
N M Crutchley for Respondent  
Judgment: 31 May 2005

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**JUDGMENT OF THE COURT**

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

**REASONS**

[1] The application for leave to appeal against a judgment of the Court of Appeal increasing a sentence of imprisonment from six years to eight years nine months for a series of residential burglaries and other offending, including aggravated assault and assault on a female, committed by a recidivist offender raises no question of principle nor is there any appearance of a miscarriage of justice in the substituted sentence. It was open to the Court of Appeal to increase the sentence as it did on an appeal by the Solicitor-General in accordance with normal principles.

[2] The application is without merit and must be refused.

Solicitors:  
Crown Law Office, Wellington