

BRENDON DOUGLAS FORREST

v

THE QUEEN

Court: Blanchard, McGrath and Wilson JJ

Counsel: Applicant in person
N P Chisnall for Respondent

Judgment: 21 April 2010

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] The applicant seeks leave to appeal against the dismissal by the Court of Appeal¹ of his appeal against the imposition of a term of 18 months imprisonment for perjury cumulative upon an existing sentence, part of which was the subject of a previous unsuccessful application for leave to appeal to this Court.² The applicant apparently wishes to argue on appeal that the sentencing Judge gave no or

¹ *Forrest v R* [2010] NZCA 34.

² *Forrest v R* [2006] NZSC 107.

insufficient weight to the totality of the applicant's sentences and to a disorder from which he suffers.

[2] As this Court said recently in *Burdett v R*:³

This Court has previously had occasion to point out that the primary responsibility for reviewing levels of sentencing rests with the Court of Appeal which, because of the large number of sentencing appeals coming before it, has expertise and experience in the area which this Court lacks. Second level appeal Courts in comparable jurisdictions also do not regard themselves as the appropriate vehicles to perform such a function. It will therefore be only in rare cases where some important question of general principle arises, such as the jurisdiction for the imposition of a sentence, or where there is plainly an appearance of a substantial miscarriage of justice, that this Court will grant leave on a sentencing matter.

[3] In the present case no important question of general principle arises and there is no appearance of a substantial miscarriage of justice. Leave to appeal is therefore refused.

Solicitors:
Crown Law, Wellington

³ [2009] NZSC 114 at [4].