

IN THE SUPREME COURT OF NEW ZEALAND

**SC 110/2009
[2010] NZSC 13**

EDWARD WOODROW COLLINS

v

THE QUEEN

Court: Blanchard, McGrath and Wilson JJ

Counsel: W C Pyke for Applicant
M D Downs for Crown

Judgment: 2 March 2010

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] The application concerns a conviction for conspiracy to supply methamphetamine.

[2] This Court is being invited by the applicant to take a different view from the Court of Appeal about what was "reasonable evidence" of the charged conspiracy. The submission for the applicant would be that, while the evidence might establish participation in a conspiracy to import ephedrine, it is not enough to establish participation in a conspiracy to manufacture methamphetamine. This would require

no more than a second level review of the evidence which the Court of Appeal, with justification, found to be adequate.

[3] The second point intended to be argued is that the Judge's warning about convicting on the basis of hearsay evidence was inadequate when measured against the passage from *Ahern v R*¹ as adopted in *R v Qui*² by this Court. The Court of Appeal thought that in the circumstances of the case the warning, although not full, was adequate and we have no doubt that this Court would take the same view.

[4] No question of general principle arises and there is no appearance of a miscarriage of justice.

Solicitors:
Crown Law Office, Wellington

¹ (1988) 164 CLR 87 at p 104.
² [2008] 1 NZLR 1 at para [16].