

RAMON DIRK JOHANNES DE MEY

v

THE QUEEN

Court: Blanchard J and Tipping J
Counsel: Applicant in Person
A M Powell for the Respondent
Judgment: 29 June 2005

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] An application by Mr De Mey for leave to appeal against the refusal of the Court of Appeal to re-open his appeal was dismissed on jurisdictional grounds : [2005] NZSC 27. The applicant now seeks leave to appeal against the dismissal by the Court of Appeal of his appeal against a conviction for common assault. His application is long out of time but the Crown accepts that the delay causes no prejudice.

[2] It is plain, however, that the proposed appeal does not satisfy the criteria in s 13 of the Supreme Court Act 2003. It relates entirely to the findings of fact which

the jury must have made and as such raises no question of general or public importance. Nor is there an appearance that a substantial miscarriage of justice may have occurred. The Court of Appeal has reviewed the evidence concerning the degree of force used by the applicant and has determined that the jury could properly find that the applicant was not acting in self defence.

Solicitors:
Crown Law Office, Wellington