

IN THE SUPREME COURT OF NEW ZEALAND

**SC 86/2010
[2010] NZSC 134**

RATIMA JAMES O'DONNELL AKA RATIMA JOSEPH OSBORNE

v

THE QUEEN

Court: Elias CJ, McGrath and William Young JJ

Counsel: Applicant in person
H W Ebersohn for Crown

Judgment: 10 November 2010

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] On 27 May 2002 the applicant pleaded guilty to the murder of Jason Johnson. In 2008 he sought and obtained an extension of time for an appeal to the Court of Appeal. On 16 August 2010, however, that Court dismissed the appeal.

[2] The applicant's argument in the Court of Appeal was based on his contention that he had entered his guilty plea mistakenly. The Court had the advantage of hearing evidence from both the applicant and counsel who appeared for him in the

High Court. It dismissed the appeal because it concluded that the applicant's account of how he came to plead guilty was not true.

[3] There is no appearance of a miscarriage of justice and the proposed appeal has no prospects of success. All in all, we are satisfied that it is not necessary in the interests of justice for this Court to hear and determine the appeal.

[4] Given our conclusions, there is no reason to appoint an amicus, as suggested by the applicant.

Solicitors:
Crown Law Office, Wellington