

**TRENT GRANT HOLMES**

v

**THE QUEEN**

Court: Elias CJ, Blanchard and Tipping JJ

Counsel: C P Comeskey for Applicant  
M Inwood for Crown

Judgment: 9 June 2010

---

**JUDGMENT OF THE COURT**

---

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

**REASONS**

[1] Mr Holmes seeks leave to appeal from a sentence of two and a half years imprisonment imposed in the District Court and upheld by the Court of Appeal for aggravated burglary and injuring with intent to cause grievous bodily harm. The principal offender in these crimes was sentenced to five years imprisonment, whereas Mr Holmes and another co-offender each received sentences of two and a half years as secondary parties. Mr Holmes contends that his sentence should have been less than that imposed on the co-offender because he had intervened to prevent further harm being caused to the victim. On reviewing his sentence the Court of

Appeal held that the sentence imposed on Mr Holmes was within range, even lenient. There was no suggestion that conduct of the kind in issue was not a mitigating factor. The Court held that no further discount was justified. As regards the parity of the sentences imposed on the co-offender and Mr Holmes, the Court remarked that Mr Holmes' conduct in intervening to end the assault had to be weighed against the fact he initially participated in it. There was, in the Court's view, no reason to distinguish between Mr Holmes and the co-offender by giving the former a lesser sentence. This was a matter of assessment for the sentencing judge and the Court of Appeal on the particular facts of the case.

[2] In these circumstances no matter of general or public importance arises; nor is there any basis for concern that there may have been a miscarriage of justice. As the Court of Appeal said, if anything, the sentence imposed was lenient. No ground has been established justifying a grant of leave to appeal. For these reasons the application must be dismissed.

Solicitors:  
Crown Law Office, Wellington