

THE HIGH COURT OF AUSTRALIA

LEVY

v.

THE QUEEN

REASONS FOR JUDGMENT

Oral Judgment delivered at SYDNEY
on Friday, 20th November 1970

LEVY

v.

THE QUEEN

ORDER

Application for special leave refused.

LEVY

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JUDGMENT

(ORAL)

BARWICK C.J.

LEVY

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The questions sought to be raised on appeal by the applicant are, in my opinion, particular to the case and do not involve any principle of law of general application. The principal criticism of the summing-up of the trial judge was that he wrongly left to the jury certain evidence as material which they could regard as corroborative of the evidence of an accomplice called by the Crown.

The evidence was as to the response of the accused to a statement by a police officer that the accomplice had said that the accused had committed the murder in his, the accomplice's, presence. The question whether or not an inference indicative of the guilt of the accused or of his consciousness of that guilt might be drawn from this evidence may be a narrow question. But in my opinion, even if minds might differ as to whether or not such an inference could be drawn, I do not think that the resolution of that question affords any ground in the total circumstances of this case for this Court's intervention by the grant of special leave

Put another way, I find nothing in the challenge to the summing-up in the respect I have mentioned or in any of the other criticisms made by counsel of the course of the

trial to warrant this Court granting special leave to appeal against the decision of the Court of Criminal Appeal.

That Court considered the matters particular to the trial of the appellant. I find no special reason either in the conduct of the trial or in the matters raised before the Court of Criminal Appeal or in that Court's decision upon those matters for granting special leave to appeal.

In my opinion, it should not be granted.

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JUDGMENT
(ORAL)

McTIERNAN J.

LEVY

v.

THE QUEEN

I agree.

LEVY

v.

THE QUEEN

JUDGMENT
(ORAL)

WINDEYER J.

LEVY

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THE QUEEN

I agree.

LEVY

v.

THE QUEEN

JUDGMENT
(ORAL)

OWEN J.

LEVY

v.

THE QUEEN

I agree.

LEVY

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JUDGMENT
(ORAL)

GIBBS J.

LEVY

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THE QUEEN

I agree.