

NOTE: PUBLICATION OF THE NAME OR IDENTIFYING PARTICULARS OF THE COMPLAINANT (INCLUDING THE RELATIONSHIP OF THE COMPLAINANT TO THE APPELLANT) IS PROHIBITED BY S 139 OF THE CRIMINAL JUSTICE ACT 1985.

IN THE SUPREME COURT OF NEW ZEALAND

**SC 114/2010
[2011] NZSC 9**

B

v

THE QUEEN

Court: Elias CJ, Blanchard and Tipping JJ

Counsel: T Sutcliffe for Appellant
T Epati for Crown

Judgment: 25 February 2011

JUDGMENT OF THE COURT

- A The application for leave to appeal is granted.**
- B The approved ground is whether the evidence of complaints to two family members was admissible.**

REASONS

Leave is not granted on the other proposed ground concerning evidence given of something said by the appellant to the complainant's mother. We agree with the Court of Appeal¹ that this evidence could not have led to a substantial miscarriage of justice.

Solicitors:
Crown Law Office, Wellington

¹ *B (CA 110/2010) v R* [2010] NZCA 493.