

IN THE SUPREME COURT OF NEW ZEALAND

SC 73/2013
[2013] NZSC 121

BETWEEN RAELEEN MATEWAI NOYLE
RAMEKA
Applicant

AND THE QUEEN
Respondent

Court: Elias CJ, McGrath and William Young JJ

Counsel: E A Hall for Applicant
M F Laracy for Respondent

Judgment: 14 November 2013

JUDGMENT OF THE COURT

- A The application for leave to appeal is granted.**
- B The approved question is whether the Court of Appeal was correct to dismiss Ms Rameka's appeal.**
-

REASONS

[1] Leave to appeal has been granted by reference to a question expressed in general terms but the Court is primarily interested in hearing argument as to:

- (a) Whether the Judge was required to give a unanimity direction in respect of liability under subs 66(1) and (2).
- (b) Whether the Court of Appeal was correct to conclude that there was insufficient evidence to go to the jury under s 66(1).
- (c) If the Court of Appeal was correct in this respect, did a miscarriage of justice result because liability under s 66(1) was left to the jury?

- (d) Were the jury given sufficient and adequate directions on withdrawal?
- (e) Whether the Judge's direction as to party liability sufficiently differentiated between liability under subs 66(1) and (2) and as between the two female defendants.

[2] Given that Ms Rameka was a co-defendant with Ms Ahsin, the appeal by Ms Ahsin will be relisted for hearing at the same time as the hearing of the present appeal. We note that Ms Hall appeared as junior counsel for Ms Ahsin when her appeal was heard and has acted as counsel for Ms Rameka in respect of the present leave application. Representation at the appeal will necessarily require some consideration.

Solicitors:
Crown Law Office, Wellington for Respondent