

**NOTE: PUBLICATION OF THE NAME OR IDENTIFYING PARTICULARS  
OF ANY PERSON UNDER THE AGE OF 17 YEARS WHO APPEARED AS A  
WITNESS PROHIBITED BY S 139A OF THE CRIMINAL JUSTICE ACT  
1985.**

**IN THE SUPREME COURT OF NEW ZEALAND**

**SC 54/2012  
[2013] NZSC 7**

**H**

v

**THE QUEEN**

Court: McGrath, William Young and Glazebrook JJ

Counsel: Appellant in person  
M D Downs for Respondent  
N Levy as Amicus

Judgment: 28 February 2013

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**JUDGMENT OF THE COURT**

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**A The application for leave to appeal is granted.**

**B The approved ground is whether the Court of Appeal's  
treatment of the affidavit(s) of H's son, M, was correct.**

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**REASONS**

[1] In addressing the above ground, the parties may need to consider the effect of the following provisions: s 389(b) of the Crimes Act 1961, s 83(1)(b) of the

Evidence Act 2006, s 60(4) of the Judicature Act 1908 and rr 12B and 12BA of the Court of Appeal (Criminal) Rules 2001.

Solicitors:  
Crown Law Office, Wellington