



**Supreme Court of New Zealand  
Te Kōti Mana Nui**

**30 OCTOBER 2014**

**MEDIA RELEASE – FOR IMMEDIATE PUBLICATION**

**JAMIE NGAHUIA AHSIN v THE QUEEN (SC 96/2012)  
RAELEEN MATEWAI NOYLE RAMEKA v THE QUEEN (SC 73/2013)  
[2014] NZSC 153**

**PRESS SUMMARY**

**This summary is provided to assist in the understanding of the Court’s judgment. It does not comprise part of the reasons for that judgment. The full judgment with reasons is the only authoritative document. The full text of the judgment and reasons can be found at Judicial Decisions of Public Interest [www.courtsofnz.govt.nz](http://www.courtsofnz.govt.nz)**

Ms Ahsin, Ms Rameka and two others, Mr McCallum and Mr Rippon, were convicted by a jury in the High Court of the murder of Paul Kumeroa in Whanganui in September 2008. The Crown case was that Mr McCallum had assaulted and killed Mr Kumeroa and the two appellants, along with Mr Rippon, were parties to the offence. The Crown alleged at trial that they were parties under either s 66(1) of the Crimes Act 1961, having acted for the purpose of aiding or encouraging Mr McCallum in the murder, or under s 66(2), having formed a common intention to intimidate and assault members or associates of the Mongrel Mob, a murder being a known and probable consequence of prosecuting that common purpose.

The appellants and their two co-offenders appealed to the Court of Appeal against both conviction and sentence. The Court of Appeal dismissed the appeals. The appellants appealed to the Supreme Court.

The Supreme Court has unanimously allowed the appeal of Ms Rameka and, by majority comprising Elias CJ, McGrath, Glazebrook and Tipping JJ, has also allowed the appeal of Ms Ahsin. William Young J would have dismissed Ms Ahsin's appeal.

The majority of the Court has allowed the appeals principally on the basis of inadequacies in the trial Judge's summing up to the jury. The trial Judge did not adequately identify and explain to the jury the elements of party liability under s 66(1) and (2) of the Crimes Act. As well, the directions to the jury did not sufficiently link the law to the facts and evidence of the particular case or identify particularly what the jury must find proved against each defendant. As a result, the jury was not given adequate assistance on the meaning and necessity of the elements of party liability and there was a risk of jury confusion in assessing the alternative cases against the appellants under s 66(1) and (2).

In its judgment, the Court has also considered issues relating to the scope of s 66(2) of the Crimes Act, jury unanimity and withdrawal from party liability.

In accordance with the views of the majority, the appellants' convictions for murder have been quashed and new trials ordered.

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