

**NOTE: PUBLICATION OF NAME, ADDRESS, OCCUPATION OR IDENTIFYING PARTICULARS, OF COMPLAINANT PROHIBITED BY S 203 OF THE CRIMINAL PROCEDURE ACT 2011.**

**IN THE SUPREME COURT OF NEW ZEALAND**

**SC 115/2015  
[2015] NZSC 200**

**BETWEEN** LYONEL MANUREWA TE POU  
TANIWHA  
Applicant

**AND** THE QUEEN  
Respondent

**Court:** Elias CJ, Glazebrook and Arnold JJ

**Counsel:** N P Chisnall for Applicant  
M D Downs for Respondent

**Judgment:** 18 December 2015

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**JUDGMENT OF THE COURT**

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- A** The application for leave to appeal is granted [*Taniwha v R* [2015] NZCA 434].
- B** The approved questions are whether the Court of Appeal erred in its conclusions that:
- (a) no miscarriage of justice arose as a result of the absence of a tailored demeanour direction in the Judge’s summing up to the jury; and
  - (b) evidence of the appellant’s breach of a police safety order two days after the date covered by the final count alleged in the indictment was admissible and no “proper use” direction was required.
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Solicitors:  
Crown Law Office, Wellington for Respondent