

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 110/2024
[2024] NZSC 160

IN THE MATTER OF SOLICITOR-GENERAL'S REFERENCE
(NO 1 OF 2024) FROM CA441/2023
([2024] NZCA 318)
Referrer

Court: Ellen France and Miller JJ
Counsel: M F Laracy for Referrer
S J Shamy as counsel assisting the Court
Judgment: 27 November 2024

JUDGMENT OF THE COURT

A We grant leave to the Solicitor-General to refer the following questions of law (arising from *Nikoloff v R* [2024] NZCA 318) to this Court under s 317 of the Criminal Procedure Act 2011:

Was the defect in the leave given on behalf of the Attorney-General able to be remedied or rectified by the instrument of ratification?

Was the trial at which Mr Nikoloff was convicted a nullity?

B We appoint Mr S J Shamy as counsel to assist the Court on the appeal under s 318(3)(a) of the Criminal Procedure Act.

Solicitors:
Te Tari Ture o te Karauna | Crown Law Office, Wellington for Referrer