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v

ATIRUT SUNGSUWAN

Court: Elias CJ and Tipping J

Counsel: R M Lithgow and N Levy for Appellant
J C Pike for the Crown

Date of Minute: 17 December 2004

MINUTE OF THE COURT

[1] Leave to appeal is granted.

[2] The grounds of appeal which we approve, pursuant to Rule 29, are:

1. That the Court of Appeal erred in the test it applied in deciding whether there had been counsel error and that no miscarriage of justice had occurred in that respect.
2. That the Court of Appeal erred in the approach it took to the allegation that a miscarriage of justice had resulted from the way in which the Crown prosecutor, in his closing address, invited the

jury to view the evidence of the Crown's witnesses "Nui" and "Jai".

3. That the Court of Appeal erred in its conclusions in relation to recent complaint evidence and the appellant's wish to cross-examine to show inconsistency on the part of the complainant.

Solicitors:
Crown Law Office, Wellington