

AERENGAROA TIMOTI

v

THE QUEEN

Hearing: 7 December 2004
Court: Keith and Tipping JJ
Counsel: G J King for Appellant
J C Pike for Crown
Date of Minute: 10 December 2004

MINUTE OF THE COURT

- [1] Leave to appeal is granted.
- [2] The grounds approved for the purposes of Rule 29 are:
- [a] Whether the Court of Appeal erred in relation to the concepts of mistake and accident, referred to in s169(6) of the Crimes Act 1961, when it determined (paragraph [26]) that the appellant's defence of provocation was untenable.

[b] If that question is answered favourably to the appellant, whether the Court of Appeal erred in determining that the trial Judge's directions to the jury in relation to proportionality did not give rise to a miscarriage of justice.

Solicitors:
Crown Law Office, Wellington