

JUSTIN LEIGH HARNEY

v

NEW ZEALAND POLICE

Court: Elias CJ, Blanchard and Tipping JJ  
Counsel: A J Bailey for Appellant  
C L Mander and B E Fenton for Respondent  
Judgment: 13 August 2010

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**JUDGMENT OF THE COURT**

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- A The application for leave to appeal is granted.**
- B The approved grounds are:**
- (i) Was the Court of Appeal correct to find that there was a “good reason” for not following a formal identification procedure pursuant to s 45(1) of the Evidence Act 2006?**
  - (ii) If not, was the Court of Appeal correct to find that the circumstances in which the identification was made produced a reliable identification beyond reasonable doubt pursuant to s 45(2) of the Evidence Act?**

Solicitors:  
Crown Law Office, Wellington