

**IN THE SUPREME COURT OF NEW ZEALAND**

**SC 49/2005  
[2005] NZSC 69**

**L**

v

**THE QUEEN**

Court: Elias CJ and Tipping J  
Counsel: P J Davey for Appellant  
B J Horsley and E A Gambrill for Crown  
Judgment: 7 October 2005

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**JUDGMENT OF THE COURT**

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**[1] Leave to appeal is granted.**

**[2] The approved grounds in terms of Rule 29 are:**

**1. Whether the Court of Appeal correctly analysed the ingredients of the offence of attempted sexual violation.**

**2. Whether the trial judge correctly directed the jury on the ingredients of the offence of attempted sexual violation and, in particular, whether the directions were correct in relation to the roles of the judge and jury in an attempt case of the present kind.**

**[3] We do not grant leave in relation to the proposed third ground which seeks to put in issue the evidentiary sufficiency of the verdicts. This ground contains no element of general or public importance nor can there be any suggestion that, on this ground, a substantial miscarriage of justice may have occurred or may occur unless it is considered by the Court.**

Solicitors:  
Crown Law Office, Wellington