

**IN THE SUPREME COURT OF NEW ZEALAND**

**SC 66/2005  
[2006] NZSC 11**

**ROBERT JOHN CONDON**

v

**THE QUEEN**

Hearing: 27 March 2006  
Court: Elias CJ, Blanchard and Tipping JJ  
Counsel: N J Sainsbury and M Snape for Appellant  
B J Horsley for Crown  
Judgment: 27 March 2006

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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:**
  - (a) Did s 30 of the Sentencing Act 2002 preclude the sentencing of the appellant to a sentence of imprisonment in the circumstances of this case?**
  - (b) Did refusal of an adjournment of the trial after withdrawal of assigned counsel give rise to a miscarriage of justice in the circumstances of this case?**

Solicitors:  
Crown Law, Wellington