

**IN THE SUPREME COURT OF NEW ZEALAND**

**SC 50/2008  
[NZSC] NZSC 83**

**SHANE HUIA MATENGA**

v

**THE QUEEN**

Court: Blanchard, Tipping and McGrath JJ

Counsel: W C Pyke for Appellant  
M D Downs for Crown

Judgment: 20 October 2008

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**JUDGMENT OF THE COURT**

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- A Leave to appeal is granted.**
- B The approved ground of appeal is whether the Court of Appeal was entitled to apply the proviso to s 385(1) of the Crimes Act 1961.**

Solicitors:  
Crown Law Office, Wellington