

IN THE SUPREME COURT OF NEW ZEALAND

**SC 58/2009
[2009] NZSC 88**

LIPENE SILA

v

THE QUEEN

Court: Blanchard, Tipping and McGrath JJ
Counsel: P H B Hall and K H Cook for Applicant
J C Pike for Crown
Judgment: 10 August 2009

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] The applicant has been convicted of several offences including murder arising out of an incident when his car drove into a large group of people after he had been involved in an altercation with others in the street. The ground he raises is that the trial Judge should have permitted a defence of self-defence to go to the jury.

[2] The issue raised is factual: whether, assuming Mr Sila's actions were in self-defence, a reasonable jury could have concluded that the force he used was reasonable in the circumstances as he believed them to be. The Court of Appeal has reviewed the facts and decided that no jury could so find. They were plainly correct.

No question of public or general importance exists and there is no appearance of any miscarriage of justice.

Solicitors:
Crown Law Office, Wellington