

IN THE SUPREME COURT OF NEW ZEALAND

**SC 81/2008
[2009] NZSC 7**

ERIC BARRY STEWART

v

THE QUEEN

Court: Elias CJ, McGrath and Wilson JJ

Counsel: S J Shamy for Appellant
S B Edwards for Crown

Judgment: 5 February 2009

JUDGMENT OF THE COURT

A The application for leave to appeal is granted.

B The approved ground is:

**Did the conduct of the Crown Prosecutor at the appellant's trial
cause a substantial miscarriage of justice?**

Solicitors:
Crown Law Office, Wellington