

NOTE: HIGH COURT SUPPRESSION ORDERS EXIST IN RELATION TO ASPECTS OF [2021] NZHC 136 PURSUANT TO S 205 OF THE CRIMINAL PROCEDURE ACT 2011: SEE PARAGRAPH [61].

<http://www.legislation.govt.nz/act/public/2011/0081/latest/DLM3360354.html>

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

**SC 75/2022
[2022] NZSC 124**

BETWEEN JUSTIN RICHARD BURKE
Applicant

AND THE KING
Respondent

Court: Glazebrook, Williams and Kós JJ

Counsel: J R Rapley KC, S M Grieve and S J Bird for Applicant
F R J Sinclair for Respondent

Judgment: 21 October 2022

JUDGMENT OF THE COURT

- A** Leave to appeal is granted (*Burke v R* [2022] NZCA 279).
- B** The approved question is whether the Court of Appeal correctly interpreted and applied s 66(2) of the Crimes Act 1961.
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REASONS

[1] The Registrar is requested to liaise with counsel with a view to setting a fixture date convenient to senior counsel.

[2] Given the nature of the issues raised by the appeal, it may be that the Criminal Bar Association of New Zealand and/or the Defence Lawyers Association New Zealand | Te Matakahi may wish to seek leave to intervene to present

submissions at the hearing or file written submissions. The Registrar is asked to provide copies of this judgment to both bodies. It would assist the Court if any applications in this regard were filed promptly.

Solicitors:

Crown Law Office, Wellington for Respondent