

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 21/2022  
[2022] NZSC 51

BETWEEN ALAN RUSSELL HALL  
Applicant

AND THE QUEEN  
Respondent

Court: Glazebrook, O'Regan and Ellen France JJ

Counsel: N P Chisnall for Applicant  
M F Laracy and E J Hoskin for Respondent

Judgment: 3 May 2022

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**JUDGMENT OF THE COURT**

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- A The application for an extension of time to apply for leave to appeal is granted.**
- B Leave to appeal is granted (*R v Hall* [1987] 1 NZLR 616 (CA)).**
- C The approved question is whether the Court of Appeal was correct to dismiss the appeal.**
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**REASONS**

[1] The Crown has indicated that it accepts that there has been a substantial miscarriage of justice on the basis that evidence relevant to the jury's assessment of the identity of the offender was materially altered and that the relevant documentation was not disclosed to the applicant. The Crown therefore accepts that it is necessary in the interests of justice that this Court hear and determine Mr Hall's appeal despite the delay.

[2] The Crown has also advised that it does not intend to oppose the appeal and accepts that Mr Hall's convictions should be quashed. It will not seek an order for retrial.

[3] We have granted leave on general terms. Mr Hall is to advise as soon as possible whether, in light of the concession from the Crown, he would still seek to argue the other grounds of appeal he has raised.

[4] The appeal is to be set down for hearing as soon as possible. The Registrar is to set a timetable for submissions.

Solicitors:  
Crown Law Office, Wellington for Respondent