

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 12/2023
[2023] NZSC 30

IN THE MATTER OF SOLICITOR-GENERAL'S REFERENCE
(NO 1 OF 2023) FROM CA636/2021
([2022] NZCA 504)
Referrer

Court: O'Regan, Ellen France and Williams JJ
Counsel: I S Auld and T C Didsbury for Referrer
F E Guy Kidd KC as counsel assisting the Court
Judgment: 6 April 2023

JUDGMENT OF THE COURT

A We grant leave to the Solicitor-General to refer the following question of law (arising from *Darling v R* [2022] NZCA 504) to this Court under s 317 of the Criminal Procedure Act 2011:

On the facts as set out in the Court of Appeal decision and the relevant documents on which guilty pleas were entered, did Mr Anderson's acquittal mean that Mr Darling could not, in law, have been convicted of the offence with which he was charged, despite his guilty plea?

B We appoint Ms Guy Kidd KC as counsel to assist the Court under s 318(3)(a) of the Criminal Procedure Act.

Solicitors:
Crown Law Office, Wellington for Referrer