

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 114/2024  
[2025] NZSC 14

BETWEEN                      RAYMOND IVEAGH JURY  
Applicant

AND                              THE KING  
Respondent

Court:                          Glazebrook and Ellen France JJ

Counsel:                      C W J Stevenson KC and S J Parry for Applicant  
Z R Johnston and Z R Hamill for Respondent

Judgment:                    17 March 2025

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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 in part (*Jury v R* [2024] NZCA 320).**
- C      The approved questions are:**
- (a)    whether the High Court erred by admitting the hearsay statements of Rex Maney in evidence, and if so, whether the error occasioned a miscarriage of justice; and**
- (b)    whether the trial Judge’s failure to give a reliability direction under s 122 of the Evidence Act 2006 with respect to those statements occasioned a miscarriage of justice.**
- D      The application for leave to appeal is otherwise dismissed.**
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## REASONS

[1] An extension of time is necessary and is granted.<sup>1</sup>

[2] The application for leave to appeal also contends to argue that a miscarriage of justice resulted because trial counsel erred by advising Mr Jury not to call Jason Maney as a witness.

[3] We give brief reasons for declining leave with respect to this allegation of counsel error. Trial counsel envisaged that Jason Maney would be called to give evidence that Rex Maney, who had since died, had admitted to Jason that he, not Mr Jury, had killed the victim, Trevor Rikihana. However, trial counsel changed his advice to Mr Jury after interviewing Jason Maney when the latter was arrested and brought to court after failing to respond to a witness summons. The Court of Appeal heard evidence from trial counsel and Mr Jury.<sup>2</sup> It rejected Mr Jury's evidence that he had firmly instructed counsel to call Jason Maney.<sup>3</sup> Rather, the Court found that Mr Jury accepted counsel's advice not to call Jason Maney.<sup>4</sup> The Court found that trial counsel advised Mr Jury against doing so, having formed the view that Jason Maney was hostile to the defence. While confirming privately that Rex Maney had admitted killing Mr Rikihana, Jason Maney stated that he intended to resile from that statement in evidence and would say he had been pressured into making it.<sup>5</sup> Trial counsel formed the opinion that his evidence would seriously jeopardise the defence case.<sup>6</sup>

[4] We are not persuaded that this ground of appeal raises a question of general or public importance, or that it raises the appearance of a miscarriage of justice.<sup>7</sup>

Solicitors:

Te Tari Ture o te Karauna | Crown Law Office, Wellington for Respondent

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<sup>1</sup> Supreme Court Rules 2004, r 11(1)(b).

<sup>2</sup> *Jury v R* [2024] NZCA 320 (Cooke, Collins and Osborne JJ) at [81].

<sup>3</sup> At [78] and [82]–[85].

<sup>4</sup> At [85].

<sup>5</sup> At [77] and [82]–[83].

<sup>6</sup> At [77].

<sup>7</sup> Senior Courts Act 2016, s 74(2)(a)–(b).