

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 19/2025
[2025] NZSC 73

BETWEEN	MANU HORI IONGI Applicant
AND	THE KING Respondent
Court:	Winkelmann CJ, Kós and Miller JJ
Counsel:	K E Hogan for Applicant T C T Riley and N E Walker for Respondent
Judgment:	3 July 2025

JUDGMENT OF THE COURT

- A The application for an extension of time to apply for leave to appeal is granted.**
 - B Leave to appeal is granted in part (*Iongi v R* [2024] NZCA 522).**
 - C The approved question is whether the Court of Appeal was correct to dismiss the appeal against conviction.**
 - 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.

[2] We give brief reasons for dismissing the application for leave to appeal against sentence. That proposed appeal is predicated on the failure of the conviction appeal. In particular, it assumes the applicant will fail to make out his contention that the jury verdict was unreasonable.

[3] If the conviction is upheld, there would not appear to be room to argue, as the applicant does, that the Judge could not make the factual findings on which he assessed the applicant's culpability and passed sentence.¹

[4] In these circumstances we do not consider that there is any prospect of a miscarriage of justice in circumstances where leave has been granted to appeal the applicant's conviction.² The application for leave to appeal against sentence is dismissed.

Solicitors:
Kayes Fletcher Walker Ltd, Manukau for Respondent

¹ *R v Iongi* [2024] NZHC 304 (Powell J) at [15] and [49]–[50]. See Sentencing Act 2002, s 24(1).

² Senior Courts Act 2016, s 74(2)(b).