Supreme Court of New Zealand | Te Kōti Mana Nui o Aotearoa

6 November 2026

MEDIA RELEASE

F (SC 56/2026) v THE KING

(SC 56/2026)

Hearing in the Supreme Court Friday 20 November 2026

CASE HISTORY SYNOPSIS

This synopsis is provided to assist in understanding the history of the case and the issues to be heard by the Court. It does not represent the views of the panel that will hear the appeal in the Supreme Court.

Suppression

Note: High Court order prohibiting publication of the name, address or identifying particulars of the appellant pursuant to section 200 of the Criminal Procedure Act 2011 remains in force.

Background

This appeal concerns the relevance of youth when sentencing and in determining whether to order a discharge without conviction.

On 23 May 2024, the appellant, F, then aged 13, fatally stabbed a 16-year-old boy, Enere McLaren-Taana, at the bus hub in central Dunedin. F was charged with murder but, following a jury trial in the Dunedin High Court, he was found guilty of manslaughter.

F was sentenced in the High Court on 11 July 2025. The Judge adopted a starting point of six years and two months' imprisonment, taking into account both aggravating factors (the victim's death and the use of a knife) and one mitigating factor (provocation). The Judge rejected excessive self-defence as a mitigating factor. The Judge allowed discounts of 35 per cent for youth and prospects of rehabilitation, five per cent for remorse and five months for time spent on electronically monitored bail. This produced a final sentence of three years and three months' imprisonment. Further, the Judge rejected F's application for a discharge without conviction, holding that the consequences to F—including relating to education and employment, and immigration consequences—were not out of all proportion to the offending.

On 11 May 2026, the Court of Appeal allowed F's appeal against sentence. Contrary to the Judge, it found that excessive self-defence was relevant to the assessment of the starting point, and the use of a knife was not aggravating as F was carrying it to deter any fight. The Court adopted the alternative starting point of five years' imprisonment. The Court agreed, however, with the Judge's assessment of the mitigating factors, including the 35 per cent discount for

youth and prospects of rehabilitation. It said that, in fixing this discount, it avoided double counting features of F already taken into account in reaching the lower starting point. The Court substituted F's sentence for one of two years and seven months' imprisonment. Lastly, the Court held that the Judge was correct to refuse to discharge F without conviction.

This appeal

On 5 October 2026, the Supreme Court granted F leave to appeal.

The approved questions are:

(a) whether the Court of Appeal was correct to dismisss the appeal against conviction; and

(b) whether the sentence imposed by the Court of Appeal involved an error of principle.

Viewing of hearing

The courtroom is open to the public.

This hearing of the appeal will also be live-streamed. Details about access to the live-stream and the conditions of access will be posted on the Courts of New Zealand website shortly before the hearing. No recording is permitted.

The panel

The Hon Justice Cooke	The Hon Justice Ellen France	The Rt Hon Chief Justice Winkelmann	The Hon Justice Kós	The Hon Justice Campbell

Judges as seen from the public gallery

Counsel

- F (SC 56/2026) (Appellant): *A Stevens KC and K H Cook KC*
- The King (Respondent): *P D Marshall, O A Jessop Boivin and N J Wynne*

Sitting hours

Court will begin at 10:00am and conclude at 4:00pm with adjournments taken from 11:30am to 11:45am and from 1:00pm to 2:15pm. There is no afternoon adjournment.

Enquiries

Any enquiries about the hearing should be directed via email to supremecourt@justice.govt.nz. While attending the hearing, enquiries can also be directed to the Court Registry, which is located outside the main courtroom in the Supreme Court foyer.

Contact person:
Sue Leaupepe, Supreme Court Registrar (04) 914 3613

Court of Appeal decision: [2026] NZCA 168 (11 May 2026)
Supreme Court leave decision: [2026] NZSC 142 (5 October 2026)