

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI

SC 102/2018
[2019] NZSC 8

BETWEEN JESSE-JAMES WINTER
 Applicant

AND THE QUEEN
 Respondent

Court: William Young, Glazebrook and O'Regan JJ

Counsel: A J Bailey for Applicant
 S K Barr for Respondent

Judgment: 21 February 2019

JUDGMENT OF THE COURT

- A The application for leave to appeal is granted (*Winter v R* [2018] NZCA 469).**
- B The approved ground of appeal is whether the Court of Appeal was correct to dismiss the appeal.**
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REASONS

[1] The approved ground of appeal covers both the admissibility of the text message and the trial Judge's alleged failure to leave an included offence to the jury. The Court will also be expecting the parties' submissions to cover whether, even if there were errors at trial, there was a miscarriage of justice.

Solicitors:
Crown Law Office, Wellington for Respondent