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NOTE: PUBLICATION OF NAMES, ADDRESSES, OCCUPATIONS OR IDENTIFYING PARTICULARS OF COMPLAINANTS PROHIBITED BY S 203 OF THE CRIMINAL PROCEDURE ACT 2011.

NOTE: DISTRICT COURT SUPPRESSION ORDER REMAINS IN FORCE.

IN THE COURT OF APPEAL OF NEW ZEALAND

**CA298/2016
[2016] NZCA 515**

BETWEEN	H (CA298/2016) Applicant
AND	THE QUEEN Respondent

Hearing: 17 October 2016

Court: Cooper, Brewer and Peters JJ

Counsel: M J Vesty for Applicant
Z R Johnston for Respondent

Judgment: 25 October 2016 at 11.30 am

JUDGMENT OF THE COURT

A Leave is granted pursuant to s 217(2)(f) of the Criminal Procedure Act 2011 to appeal against the pre-trial ruling of the District Court dated 10 June 2016.

B The question to be determined on appeal is whether the Judge was right to refuse to make an order under s 138(4) of the Criminal Procedure Act 2011 that the defendant be tried separately on:

(a) charges 1 and 2; and

(b) charges 3–9.

C Order prohibiting publication of the judgment and any part of the proceedings (including the result) in news media or on the internet or other publicly available database until final disposition of trial. Publication in law report or law digest permitted.