

## **PUBLIC ACCESS:**

The Court of Appeal COVID Protocol was rescinded on 21 August 2023. However, if you are unwell, you are encouraged not to attend Court. If you are required to attend Court, please contact the Registry to discuss alternative arrangements.



## **DISCLAIMER:**

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This List has been published as at Friday 19 July 2024.

However, **this list may change significantly after the date of publication and may not reflect the Court's business on any given date. Therefore, this List is intended as a GUIDE ONLY.**

## **Enquiries:**

Please contact the Court by phone on: **(04) 914 3540** or by email: [courtsofappeal@justice.govt.nz](mailto:courtsofappeal@justice.govt.nz) between 9am and 5pm on weekdays (excluding public holidays and dates the Court is closed).

## **Locations:**

The Court of Appeal is located at: [54 Molesworth St, Thorndon, Wellington](#). The Court also sits at the following High Courts (however, please note that all documents must be sent to the Court at the above Wellington address):

Auckland High Court (Historic Building) – [24 Waterloo Quadrant, Auckland](#)  
Wellington High Court – [2 Molesworth Street, Wellington](#)  
Christchurch High Court (Justice Precinct) – [20 Lichfield Street, Christchurch](#)  
Dunedin High Court – [1 Stuart Street, Dunedin](#)

## **Sitting Hours:**

The Court typically sits between 10am and 4pm with adjournments *roughly* from 11:30am – 11:45am and 1pm – 2:15pm. There is no afternoon adjournment. Sitting hours and adjournments may be adjusted as required and may change at short notice.

## **Lower Court Judgments cited in this list may be found at the following links (if publicly available):**

Senior Courts Judgments of Public Interest: <https://www.courtsofnz.govt.nz/judgments/>

District Court of New Zealand: <https://www.districtcourts.govt.nz/>

Judicial Decisions Online: <https://forms.justice.govt.nz/jdo/Search.jsp>

New Zealand Legal Information Institute (NZLII): [http://www.nzlii.org/databases.html#nz\\_cases](http://www.nzlii.org/databases.html#nz_cases)

## **Court types:**

Full Court – A Court of five Court of Appeal Judges. See [s50 and s51 of the Senior Courts Act 2016](#)

Permanent Court – A Court consisting of three Court of Appeal Judges. See [s48\(1\)\(a\) of the Senior Courts Act 2016](#)

Divisional Court – A Court typically consisting of one Court of Appeal Judge and two High Court Judges. See [s48\(1\)\(c\)](#) and [s52 of the Senior Courts Act 2016](#)

For more information regarding Court types please see: <https://www.courtsofnz.govt.nz/the-courts/court-of-appeal/cases-to-court/>

COURT OF APPEAL FIXTURE LIST – AUGUST 2024

Session Week: Monday 5 August to Friday 9 August

Date	Permanent Court, Wellington Courtroom 1	Permanent Court, Wellington Courtroom 2
Monday 5 August		
Tuesday 6 August	<p><b>Court: Goddard J, Katz J, Cooke J</b></p> <p><b><u>CA316/2023</u></b> Francisc Catalin Deliu (In Person) v Attorney-General &amp; Anor (D L Harris) Harvey J [2023] NZHC 1159 <i>Appeal from High Court decision dismissing application for judicial review of decision not to stay criminal proceedings.</i></p>	
Wednesday 7 August	<p><b>Court: Katz J, Thomas J, Palmer J</b></p> <p><b><u>CA144/2023</u></b> Meryl Taimania Carter, Raina Raewyn Doar, Raymond Paul Edmonds, Jonathon Pearce Edwards, Anita Lee Marsh, Taipari Barry Phillip Munro and Whitiao Raewyn Paul, Trustees of Whatitiri Maori Reserves under s 239 Te Ture Whenua Maori Act 1993 &amp; Anor (M S Smith, M Smith, D M Hall, R C Green) v Attorney-General &amp; Anor (D A Ward, J V Ormsby, C Barnett, M J Doesburg) Cull J [2023] NZHC 204 <i>Whether Māori Land Court has jurisdiction to decide whether customary title in freshwater has been extinguished.</i></p>	
Thursday 8 August	<p><b>Court: Katz J, Thomas J, Palmer J</b></p> <p><b><u>CA144/2023</u></b> Meryl Taimania Carter, Raina Raewyn Doar, Raymond Paul Edmonds, Jonathon Pearce Edwards, Anita Lee Marsh, Taipari Barry Phillip Munro and Whitiao Raewyn Paul, Trustees of Whatitiri Maori Reserves under s 239 Te Ture Whenua Maori Act 1993 &amp; Anor (M S Smith, M Smith, D M Hall, R C Green) v Attorney-General &amp; Anor (D A Ward, J V Ormsby, C Barnett, M J Doesburg) Cull J [2023] NZHC 204 <i>Whether Māori Land Court has jurisdiction to decide whether customary title in freshwater has been extinguished.</i></p>	
Friday		

**COURT OF APPEAL FIXTURE LIST – AUGUST 2024**

Session Week: Monday 12 August to Friday 16 August

Date	Permanent Court, Wellington Courtroom 1	Permanent Court, Wellington Courtroom 2
Monday 12 August		
Tuesday 13 August	<p><b>Court: French J, Ellis J, Collins J</b></p> <p><b><u>140/99; 244/03, CA169/2024 &amp; CA445/2020 (to be heard together)</u></b>  <b><u>140/99 &amp; CA445/2020</u></b>                      Stephen Ralph STONE (P F Wicks KC, A J Maxwell-Scott, S J Galler) v The King                      Application for leave to recall judgment and appeal against Conviction                      Williams J – Life Imprisonment                      Conviction Appeal in 140/99 dismissed “<i>ex parte</i>” on 19 August 1999 – Richardson P, Gault J, Henry J  <b><u>244/03</u></b>                      Gail Denise MANEY (J A Kincade KC) v The King                      Application to recall judgment against conviction                      Paterson J – Life Imprisonment                      Conviction Appeal in 244/03 dismissed on 11 August 2005 – Anderson P, Williams J, Salmon J  <b><u>CA169/2024</u></b>                      Mark William HENRIKSEN (N P Chisnall KC, K H Cook) v The King                      Application for extension of time to appeal Conviction                      Williams J – 3 years imprisonment</p>	
Wednesday 14 August	<p><b>Court: French J, Ellis J, Collins J</b></p> <p><b><u>140/99; 244/03, CA169/2024 &amp; CA445/2020 (to be heard together)</u></b>  <b><u>140/99 &amp; CA445/2020</u></b>                      Stephen Ralph STONE (P F Wicks KC, A J Maxwell-Scott, S J Galler) v The King                      Application for leave to recall judgment and appeal against Conviction                      Williams J – Life Imprisonment                      Conviction Appeal in 140/99 dismissed “<i>ex parte</i>” on 19 August 1999 – Richardson P, Gault J, Henry J  <b><u>244/03</u></b>                      Gail Denise MANEY (J A Kincade KC) v The King                      Application to recall judgment against conviction                      Paterson J – Life Imprisonment                      Conviction Appeal in 244/03 dismissed on 11 August 2005 – Anderson P, Williams J, Salmon J  <b><u>CA169/2024</u></b>                      Mark William HENRIKSEN (N P Chisnall KC, K H Cook) v The King                      Application for extension of time to appeal Conviction                      Williams J – 3 years imprisonment</p>	

Date	Permanent Court, Wellington Courtroom 1	Permanent Court, Wellington Courtroom 2
Thursday 15 August		
Friday 16 August		

**COURT OF APPEAL FIXTURE LIST – AUGUST 2024**

Session Week: Monday 19 August to Friday 23 August

Date	Permanent Court, Wellington Courtroom 1	Permanent Court, Wellington Courtroom 2
Monday 19 August		
Tuesday 20 August	<p><b>Court: Courtney J, Goddard J, Palmer J</b></p> <p><b><u>CA446/2023</u></b>                      Woodgate Limited &amp; Anor (G Woollaston) v Palmerston North City Council (N Jessen)                      Radich J [2023] NZHC 1742  <i>Appeal from High Court decision dismissing application for judicial review in relation to Palmerston North City Council proposed change, and associated Environment Court decision.</i></p> <p><b><u>CA335/2023</u></b>                      P (B J R Keith, L C Ord) v Commonwealth of Australia And Anor (D J Boldt, K L Kensington, A M Powell, T Li)                      Gendall J [2023] NZHC 1208</p>	
Wednesday 21 August	<p><b>Court: Courtney J, Thomas J, Cooke J</b></p> <p><b><u>CA301/2023 &amp; CA302/2023 (to be heard together)</u></b>  <b><u>CA301/2023</u></b>                      Glen Anthony Douglas (A Bailey) v Chief Executive of the Department of Corrections (D J Perkins, H Williamson)                      R29A Application                      Davidson J [2016] NZHC 3184  <b><u>CA302/2023</u></b>                      Glen Anthony Douglas (A J Bailey) v Chief Executive of the Department of Corrections (D J Perkins)                      Civil Appeal                      Mander J [2023] NZHC 1085  <i>Appeal from High Court decision reviewing continuation of public protection order and directing that the order continue.</i></p>	

Date	Permanent Court, Wellington Courtroom 1	Permanent Court, Wellington Courtroom 2
Thursday 22 August		
Friday		

**COURT OF APPEAL FIXTURE LIST – AUGUST 2024**

Circuit Week: Monday 26 August to Friday 30 August

Date	Divisional Court – Auckland, Courtroom 1 Court: Cooke J, Peters J, Grice J	Divisional Court – Auckland, Courtroom 2 Court: Palmer J, Whata J, Downs J
<p><b>Monday</b> 26 August</p>	<p><b><u>CA336/2019</u></b> Kiri BRACKENRIDGE (H G De Groot, T Conder) v The Queen Application to withdraw notice of abandonment and appeal against Conviction and Sentence – Life imprisonment 19 years MPI, 14 years imprisonment Jagose J</p> <p><b><u>CA749/2023</u></b> Robert Norman CAVANAGH (G H Vear) v The King Conviction and Sentence – 8 years, 6 months' imprisonment Hollister-Jones DCJ</p> <p><b><u>CA631/2023</u></b> Aaron Peter Coupe (In person) v Power Painters Limited (No Appearance) R29A Application Bell AJ</p>	<p><b><u>CA158/2023</u></b> W (N P Chisnall KC) v The King Conviction and Sentence – 8 Years 6 months Imprisonment Marshall DCJ</p> <p><b><u>CA526/2023</u></b> Abraham TUROA (M W Ryan) v The King Conviction and Sentence – 14 years and 6 months' imprisonment Bonnar DCJ</p> <p><b><u>CA262/2024</u></b> Jianzhong CHENG (A Wei) v The King Sentence – 9 Years 6 Months Imprisonment Gibson DCJ</p>
<p><b>Tuesday</b> 27 August</p>	<p><b><u>CA180/2024</u></b> John Barry BEVIN (J C Hannam) v The King Sentence – 10 Years Imprisonment Greig DCJ</p> <p><b><u>CA136/2024</u></b> Y (A M Williams) v The King Sentence – 10 years and 4 months imprisonment - MPI of 50 percent Osborne J</p> <p><b><u>CA273/2024</u></b> Kohi ROLLESTON (A M Williams, C G Nolan) v The King Sentence – 5 Years 1 Month Imprisonment Crosbie DCJ</p>	<p><b><u>CA127/2023</u></b> Paula Aroha TOLEAFOA (H G De Groot) v The King Conviction – 10 months Home Detention Cooper DCJ</p> <p><b><u>CA326/2024 &amp; CA356/2024 (to be heard together)</u></b> <b><u>CA326/2024</u></b> S (M W Ryan) v The King <b><u>CA356/2024</u></b> M (R M Mansfield KC) v The King Suppression Wilkinson-Smith J [2024] NZHC 1157</p> <p><b><u>CA351/2024</u></b> Templeton UQ Limited (D Hoskin) v Watts &amp; Hughes Limited (R J Hollyman KC, A J Peat, R Kettelwell) Lester AJ [2024] NZHC 1072 <i>Appeal from High Court decision striking out an application to set aside a statutory demand</i></p>

Date	Divisional Court – Auckland, Courtroom 1 Court: Cooke J, Peters J, Grice J	Divisional Court – Auckland, Courtroom 2 Court: Palmer J, Whata J, Downs J
<b>Wednesday</b> 28 August	<p><b><u>CA454/2023</u></b> Jackson Morris HOUKAMAU (M J Taylor-Cyphers, G D Burns) v The King Sentence – 11 Years Imprisonment Mabey DCJ</p> <p><b><u>CA385/2023</u></b> Staven Robert MCQUILLAN (E Huda) v The King Conviction and sentence – 2 years 9 months imprisonment O'Driscoll DCJ</p> <p><b><u>CA787/2023</u></b> Iko Karakia Atiripa MARERAKI (L Nunweek) v The King Conviction and sentence – 3 years 4 months imprisonment Bell DCJ</p> <p><b><u>CA755/2023</u></b> Gordon Mark HOLLAND (E Huda) v The King Sentence - 6 years imprisonment Farish DCJ</p>	<p><b><u>CA66/2024 &amp; CA67/2024</u></b> Miles John MCKELVY (R M Mansfield KC, H Smith) v United States of America Application for leave to bring a second appeal &amp; Civil Appeal Winter DCJ; Gordon J [2023] NZHC 3968</p>
<b>Thursday</b> 29 August	<p><b><u>CA34/2024</u></b> Kaimai Properties Limited &amp; Anor (T C Waikato, I C Bassett) v Queen Elizabeth the Second National Trust &amp; Anor (D M Salmon KC, E Botting, T P Mullins, D A Bullock, B Jacobs) Isac J [2023] NZHC 3433 <i>Whether open space covenant registered under Queen Elizabeth II National Trust Act 1977 is valid and lawful.</i></p>	<p><b><u>CA50/2023</u></b> M (A J Maxwell-Scott) v The King Sentence – 16 Years and 6 Months' Imprisonment with an MPI of 10 Years Doogue J</p> <p><b><u>CA147/2024</u></b> H (T J Conder , W Caskie) v The King Conviction – Supervision (SA2007) 6 months Lawson DCJ</p>
<b>Friday</b>		