

## **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The Court of Appeal COVID Protocol was rescinded on 21 August 2023.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 16 August 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 – SEPTEMBER 2024

Circuit Week: Monday 2 September to Friday 6 September

Date	Divisional Court – Wellington, Courtroom 1 Court: Thomas J, Peters J, Downs J	Divisional Court – Auckland, Courtroom LG1 Court: Ellis J, Whata J, Grice J
<p><b>Monday</b> 2 September</p>	<p><b><u>CA786/2023 and CA15/2024 (to be heard together)</u></b>  <b><u>CA786/2023</u></b>                      Andrew Joseph SISSON (M W Ryan) v The King                      Conviction and Sentence  <b><u>CA15/2024</u></b>                      Scott James ALLAN (S L Mccolgan) v The King                      Sentence – 7 Years 10 Months 21 Days Imprisonment                      Northwood DCJ</p> <p><b><u>CA294/2024</u></b>                      Daniel O'BRIEN (G A Walsh) v The King                      Sentence – 5 years and 5 months imprisonment                      Crayton DCJ</p> <p><b><u>CA282/2024</u></b>                      Shane Dave POMANA (J H Waugh) v The King                      Sentence – 6 years' imprisonment                      Marinovich DCJ</p>	<p><b><u>CA567/2022</u></b>                      Dean Michael VINCENT (In Person) v The King                      Conviction – 5 Years 7 Months' Imprisonment                      McIlraith DCJ</p>
<p><b>Date</b></p>	<p><b>Divisional Court – Wellington, Courtroom 1 Court: Thomas J, Peters J, Downs J</b></p>	<p><b>Divisional Court – Auckland, Courtroom 2 Court: Ellis J, Whata J, Grice J</b></p>
<p><b>Tuesday</b> 3 September</p>	<p><b><u>CA137/2024</u></b>                      Yaowei Peng (Z Chen) v Knight Investments Limited (R Rao, C Richardson)                      Gardiner AJ [2024] NZHC 285  <i>Appeal from High Court decision entering summary judgment for specific performance against a defaulting partner of land</i></p> <p><b><u>CA225/2024</u></b>                      The King (M J Lillico, D Dhir) v R (R Philip)                      Question of Law and appeal against Discharge without conviction</p> <p><b><u>CA60/2024</u></b>                      M (B Nabney) v The King                      Sentence – 7 years 11 months imprisonment                      Snell DCJ</p> <p><b><u>CA331/2024</u></b>                      S (L A Scott) v New Zealand Police                      Application for leave to bring a second appeal against Conviction, Sentence and Suppression -                      Reparation of \$750&amp; \$1500                      Wills DCJ, Radich J</p> <p><b><u>CA101/2024</u></b>                      David Brent STONE (In Person) v The King                      Sentence – 11 months' home detention and forfeiture of cash                      Gwyn J</p>	<p><b><u>CA595/2023</u></b>                      Christopher BANKS (M W Ryan) v The King                      Conviction and Sentence – 2 years, 6 months' imprisonment                      Callaghan, M DCJ</p> <p><b><u>CA730/2023</u></b>                      Trevor MATHEWS (W D Mckean) v The King                      Conviction and Sentence – 7 1/2 years imprisonment                      Tomlinson DCJ</p> <p><b><u>CA204/2024</u></b>                      Lovejeet SINGH (C A Hardy, N Baier) v The King                      Conviction – 4 Months Home Detention                      Crowley DCJ</p> <p><b><u>CA130/2024</u></b>                      O (C S Cull KC) v The King                      Sentence – 15 years imprisonment - MPI 50%                      Rzepecky DCJ</p>

Date	Divisional Court – Wellington, Courtroom 1 Court: Collins J, Peters J, Downs J	Divisional Court – Auckland, Courtroom 2 Court: Ellis J, Whata J, Grice J
<b>Wednesday</b> 4 September	<p><b><u>CA151/2024 &amp; CA162/2024 (to be heard together)</u></b>  <b><u>CA151/2024</u></b>  Manu Hori IONGI (K E Hogan) v The King  Conviction &amp; Sentence - 8 years 6 months' imprisonment with a minimum period of imprisonment of 4 years 3 months  <b><u>CA162/2024</u></b>  Falala'anga Omoomi IONGI (B J Meyer) v The King  Sentence - Life imprisonment with a minimum period of imprisonment of 17 years  Powell J</p> <p><b><u>CA289/2024</u></b>  Cesar Alejandro CARBONELL-LEON (B P Kilkelly) v The King  Conviction - 12 months' imprisonment  Robinson DCJ</p> <p><b><u>CA316/2024</u></b>  Izrael Iziah Mitchell HUATA (W R Hawkins) v The King  Sentence - 9 years 2 months imprisonment  Earwaker DCJ</p>	<p><b><u>CA448/2024</u></b>  T (A G V Rogers) v The King (K B Bell)  Conviction, sentence and suppression - 9 months' home detention, \$50 dollar offender levy  Dawson DCJ</p> <p><b><u>CA511/2024</u></b>  The King (K B Bell, O A Boivin) v G And Ors (S J Gray, O W L Troon)  Pre-trial: SG appeal  Mabey KC DCJ [2024] NZDC 16478</p>
<b>Thursday</b> 5 September	<p><b><u>CA48/2024</u></b>  Petromont Holdings Limited (G W Halse, D W Grove) v The Director-General of The Ministry of Primary Industries (N C Anderson, R M Fistonich)  Isac J [2023] NZHC 3535  <i>Appeal against High Court decision to strike out judicial review proceedings regarding scampi quota as untenable and an abuse of process.</i></p> <p><b><u>CA798/2023</u></b>  Richard Lincoln (In Person) v Attorney General of New Zealand (Z R Hamill, O K Kiel)  McQueen J [2023] NZHC 3822  <i>Appeal from High Court decision finding that two formal warning issues by the police were lawful.</i></p>	<p><b><u>CA740/2023; CA741/2023; CA745/2023; CA746/2023; CA747/2023 (to be heard together)</u></b>  <b><u>CA740/2023</u></b>  H (C Gentleman) v The King  Suppression  <b><u>CA741/2023</u></b>  S (C Gentleman) v The King  Suppression  <b><u>CA745/2023</u></b>  A (R Mansfield KC) v The King  Sentence  <b><u>CA746/2023</u></b>  A (R M Mansfield KC) v The King  Suppression  <b><u>CA747/2023</u></b>  M &amp; Anor (R M Mansfield KC) v The King  Suppression  Harvey J</p> <p><b><u>CA37/2024</u></b>  F (J D Munro) v The King  Conviction and Sentence – 11 Years Imprisonment  Sharp M DCJ</p> <p><b><u>CA132/2024</u></b>  Robin John MAU (A M Dooney) v The King  Sentence - 12 years 6 months imprisonment  Orchard DCJ</p>
<b>Friday</b>		

COURT OF APPEAL FIXTURE LIST – SEPTEMBER 2024

Session Week: 9 September to Friday 13 September

Date	Permanent Court, Wellington Courtroom 1	Permanent Court, Wellington Courtroom 2
Monday 9 September		
Tuesday 10 September	<p><b>Court: Courtney J, Collins J, Hinton J</b></p> <p><b><u>CA361/2022</u></b>                      S (N Hansen, K H Cook) v C &amp; Ors (G Niven, C W Stevenson, A P Lawson, J M Miller)                      Isac J [2021] NZHC 3594; [2022] NZHC 1515  <i>Appeal from High Court judgment setting aside suppression order made by Coroner.</i></p>	
Wednesday 11 September		
Thursday 12 September	<p><b>Court: Courtney J, Thomas J, Hinton J</b></p> <p><b><u>CA242/2023</u></b>                      Apirana Henderson (J P Kahukiwa) v Trustees of the Wharekahika A47 Trust (L J Hemi)                      Judge Armstrong, Judge Wara, Judge Stone: APPEAL 2022/6  <i>Appeal from decision of Māori Appellate Court upholding removal of the appellant as a trustee of an ahu whenua trust.</i></p>	
Friday		

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

Session Week: 16 September to Friday 20 September

Date	Permanent Court, Wellington Courtroom 1	Permanent Court, Wellington Courtroom 2
<b>Monday</b> 16 September	<b>Court: Goddard J, Cooke J, Palmer J</b>  <u>CA369/2023</u> Westgate Town Centre Limited And Ors (B D Gray KC, A I C Denton, G Tompkins, N Skara) v Auckland Council And Anor (R B Lange, A G A Trask-Coombs, L B Harrison) Van Bohemen J [2023] NZHC 1455 <i>Complex contractual dispute over infrastructure serving Westgate Town Centre.</i>	
<b>Tuesday</b> 17 September	<b>Court: Goddard J, Cooke J, Palmer J</b>  <u>CA369/2023</u> Westgate Town Centre Limited And Ors (B D Gray KC, A I C Denton, G Tompkins, N Skara) v Auckland Council And Anor (R B Lange, A G A Trask-Coombs, L B Harrison) Van Bohemen J [2023] NZHC 1455 <i>Complex contractual dispute over infrastructure serving Westgate Town Centre.</i>	
<b>Wednesday</b> 18 September	<b>Court: Goddard J, Cooke J, Palmer J</b>  <u>CA369/2023</u> Westgate Town Centre Limited And Ors (B D Gray KC, A I C Denton, G Tompkins, N Skara) v Auckland Council And Anor (R B Lange, A G A Trask-Coombs, L B Harrison) Van Bohemen J [2023] NZHC 1455 <i>Complex contractual dispute over infrastructure serving Westgate Town Centre.</i>	
<b>Thursday</b> 19 September	<b>Court: Goddard J, Cooke J, Palmer J</b>  <u>CA369/2023</u> Westgate Town Centre Limited And Ors (B D Gray KC, A I C Denton, G Tompkins, N Skara) v Auckland Council And Anor (R B Lange, A G A Trask-Coombs, L B Harrison) Van Bohemen J [2023] NZHC 1455 <i>Complex contractual dispute over infrastructure serving Westgate Town Centre.</i>	
<b>Friday</b>		

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

Session Week: 23 September to Friday 27 September

Date	Permanent Court, Wellington Courtroom 1	Permanent Court, Wellington Courtroom 2
<b>Monday</b> 23 September  <i>(South Canterbury Anniversary Day)</i>		
<b>Tuesday</b> 24 September	<b>Court: Mallon J, Ellis J, Hinton J</b>  <u>CA391/2023</u> New Zealand Independent Community Pharmacy Group & Ors (R A Kirkness, S M Bisley, G Niven, N R Coates, S A Barker, H Z Yang, B J Maltby, J Maskell, M D Harris) v GDL RX No8 Ltd (M R Crotty, L H Mau) Gwyn J [2023] NZHC 1486 <i>Judicial review of Te Whatu Ora decisions to enter Integrated Community Pharmacy Service Agreements with pharmacies located in Countdown supermarkets.</i>	
<b>Wednesday</b> 25 September	<b>Court: Mallon J, Ellis J, Hinton J</b>  <u>CA391/2023</u> New Zealand Independent Community Pharmacy Group & Ors (R A Kirkness, S M Bisley, G Niven, N R Coates, S A Barker, H Z Yang, B J Maltby, J Maskell, M D Harris) v GDL RX No8 Ltd (M R Crotty, L H Mau) Gwyn J [2023] NZHC 1486 <i>Judicial review of Te Whatu Ora decisions to enter Integrated Community Pharmacy Service Agreements with pharmacies located in Countdown supermarkets.</i>	
<b>Thursday</b> 26 September	<b>Court: Courtney J, Cooke J, Collins J</b>  <u>CA259/2023</u> Ismail Rahiman Khan & Ors (I M Hutcheson, P J Small) v New Zealand Muslim Association & Anor (P C Murray, B M Finn, R W Belcher) Jagose J [2023] NZHC 802 <i>Appeal from High Court decision dismissing a claim to recover the assets of a charitable trust that were transferred to another charitable trust.</i>  <u>CA225/2023 &amp; CA615/2023 (to be heard together)</u> Ashor Christian Gorgus (D J Dufty) v Chief Executive Department of Corrections & Anor (C E Sinclair, S L Shaw, S M Kinsler) Woolford J [2023] NZHC 450; [2023] NZHC 2097 <i>Appeal from High Court decision dismissing (in part) claims for breach of NZBORA and claims in tort, relating to directed segregation under s58 Corrections Act 2004.</i>	
<b>Friday</b>		

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

Circuit Week: Monday 30 September to Friday 4 October

Date	Divisional Court – Wellington, Courtroom 1 Court: Collins J, Brewer J, Osborne J	Divisional Court – Auckland, Courtroom 2 Court: Mallon J, TBA J, Gwyn J
<p><b>Monday</b> 30 September</p>	<p><b><u>CA292/2021</u></b> David Grant SINCLAIR (N P Chisnall) v The King Conviction – Life imprisonment with an MPI of 17 years Edwards J</p>	<p><b><u>CA809/2023</u></b> Gautam Jindal (In person) v Cherag Daruwalla (D H McLellan KC, S O H Coad, D M Hughes, E E Hughes) Taylor AJ [2023] NZHC 3315 <i>Appeal against strike out of defamation causes of action.</i></p> <p><b><u>CA739/2023</u></b> Majitha Thanujaya Peramune (In person) v Savage Garage NZ Limited (A C Elia, T Cooley) Associate Judge Gardiner [2023] NZHC 3204 <i>Appeal against High Court decision to set aside a statutory demand</i></p>
<p><b>Tuesday</b> 1 October</p>	<p><b><u>CA42/2020</u></b> Benjamin Harry TIMMINS (In Person) v The King Counsel to Assist the Court: V Nisbet Conviction – 11 months home detention, \$1,540 reparation Spear DCJ</p> <p><b><u>CA144/2024</u></b> Leslie CAVELL (E J Riddell) v The King Conviction &amp; Sentence - 2 years 8 months imprisonment Rielly DCJ</p> <p><b><u>CA711/2023</u></b> W (N M Graham, M J Phelps) v The King Pre-trial ruling: Admissibility of Evidence CPA s101 Gwyn J</p>	<p><b><u>CA564/2023; CA596/2023 &amp; CA604/2023 (to be heard together)</u></b> <b><u>CA564/2023</u></b> M (I A Jayanandan) v The King Conviction and Sentence</p> <p><b><u>CA596/2023</u></b> Ian LARKINS (Q Duff, W N Rhodes) v The King Sentence – 7 Years 10 Months Imprisonment</p> <p><b><u>CA604/2023</u></b> Peter TE HAU (S R Lack) v The King Sentence Gordon J</p> <p><b><u>CA313/2023</u></b> Sevuloni Nasilasila TABUWERE (R M Mansfield KC) v The King Conviction – 12 Months Home Detention, 100 Hours Community Work Glubb DCJ</p> <p><b><u>CA274/2024</u></b> Louis HALL (R M Mansfield KC) v The King Sentence - 12 years 6 months imprisonment with an MPI of 5 years Lummis DCJ</p>
<p><b>Date</b></p>	<p><b>Divisional Court – Wellington, Courtroom 1 Court: Collins J, Brewer J, Osborne J</b></p>	<p><b>Divisional Court – Auckland, Courtroom 2 Court: Mallon J, TBA J, Gwyn J</b></p>

<p><b>Wednesday</b> 2 October</p>	<p><b><u>CA9/2024</u></b> Tyron Jayhan CHAPMAN (A J McKenzie) v The King Conviction and sentence – 3 years 3 months imprisonment Farish DCJ</p> <p><b><u>CA279/2024</u></b> James Robert DOWIE (A J McKenzie) v The King Conviction - 5 months community detention, 9 months supervision and \$500 reparation M Callaghan DCJ</p> <p><b><u>CA104/2024</u></b> Lance NIELSEN (L B Cordwell) v The King Conviction and sentence - 4 years and 10 months imprisonment Venning J</p> <p><b><u>CA33/2024</u></b> Teodorico Vaquez LEYCO (J N Olsen) v New Zealand Customs Service (B So) Sentence – 4 years 10 months imprisonment Maxwell DCJ</p>	<p><b><u>CA598/2023</u></b> Darrell Francis HODSON (S K Green) v The King Conviction – 7 years 2 months imprisonment Krebs DCJ</p> <p><b><u>CA638/2022</u></b> Anthony John WHEBLE (A C Cresswell) v The King Conviction and sentence – Preventive detention Lang J</p>
<p><b>Thursday</b> 3 October</p>	<p><b><u>CA536/2023</u></b> Evan Kerry Stewart (R A Hearn) v Eversons International Limited (In Liquidation) And Anor (P C Murray) Churchman J [2023] NZHC 2325 <i>Appeal from refusal in HC to set aside judgment under R15.16 of the HCR</i></p> <p><b><u>CA5/2024</u></b> Ruea Deryck Joseph MORGAN (K J Beaton KC, A L Hollingworth) v The King Conviction – 5 years, 6 months imprisonment Kellar DCJ</p> <p><b><u>CA370/2024</u></b> K (A M Simperingham) v The King Pre-trial ruling: Admissibility of Evidence Bolstad DCJ</p>	<p><b><u>CA635/2023, CA690/2023, CA252/2024 (to be heard together)</u></b> <b><u>CA635/2023</u></b> Paul James BENNETT (C G Tuck) v The King Conviction – 1 year 4 months imprisonment Kellar DCJ; Gibson DCJ</p> <p><b><u>CA690/2023</u></b> W (J M Scott, A Spika) v The King Conviction and sentence – 1 year 3 months imprisonment Gibson DCJ</p> <p><b><u>CA252/2024</u></b> Paul James BENNETT (C G Tuck) v The King Conviction – 3 years 2 months imprisonment Kellar DCJ</p> <p><b><u>CA626/2023</u></b> Joshua Hohua GRANT (T D Clee) v The King Sentence – 2 years 4 months imprisonment Jelas DCJ</p> <p><b><u>CA64/2024</u></b> L (J W Wall) v The King Sentence – 5 years imprisonment Webby DCJ</p>
<p><b>Friday</b></p>		