

TAITO PHILLIP HANS FIELD

v

THE QUEEN

Court: Blanchard, McGrath and William Young JJ
Counsel: H A Cull QC and M A Karam for Appellant
D B Collins QC Solicitor-General for Respondent
Judgment: 17 March 2011

JUDGMENT OF THE COURT

- A The application for leave to appeal is granted.**
- B The approved ground is whether the Court of Appeal has in [2010] NZCA 556 correctly stated the test for corruptly accepting a bribe in terms of s 103 of the Crimes Act 1961.**

REASONS

[1] Leave is not granted on the other proposed grounds which we consider to be unarguable. The finding that the appellant contemplated criminal proceedings when he did the things charged under s 117 was in our view not only open but virtually inevitable.

[2] Mr Ingram QC was not acting under statutory power in conducting the inquiry and in any event was not a police or Crown agent. Mr Field was legally

represented at the inquiry. There was nothing to prevent the prosecution leading evidence of what the appellant said to the inquiry.

[3] The Court of Appeal has reviewed the sentences imposed on the appellant. The effective sentence of imprisonment for six years cannot be said to be manifestly excessive for the offending as a whole.

Solicitors:
Tripe Matthews & Feist, Wellington for Appellant
Crown Law Office, Wellington