

IN THE SUPREME COURT OF NEW ZEALAND

SC 68/2014
[2014] NZSC 148

BETWEEN RHYS MICHAEL CULLEN
 Applicant

AND THE QUEEN
 Respondent

Court: McGrath, William Young and Arnold JJ

Counsel: Applicant in Person
 J Mildenhall for Respondent

Judgment: 22 October 2014

JUDGMENT OF THE COURT

- A The application for leave to appeal is granted (*Cullen v R* [2014] NZCA 325).**
- B The approved question is whether the Court of Appeal was correct to dismiss Mr Cullen’s appeal.**
-

REASONS

[1] Without narrowing the scope of the approved ground of appeal, the Court wishes the parties to address the following matters in the course of their argument:

- (a) Can the actions and states of mind of the employees other than the appellant be attributed to Tamaki Metals Ltd as to (i) possession, and (ii) recklessness?
- (b) For the purposes of s 246 of the Crimes Act 1961, at what point was “the act of receiving” by Tamaki Metals Ltd complete?

- (c) For the purposes of s 246(3) of the Crimes Act, can there be more than one “act of receiving” by the same offender in relation to the same property?

[2] Although the Court will not formally review the correctness of the Court of Appeal’s judgment in *Cullen v R* [2012] NZCA 413, the parties are not restricted in their arguments by the assumption that it was correctly decided.

Solicitors:
Crown Law Office, Wellington for Respondent.