



Notice of Application for Leave to Appeal

rule 8.4 Criminal Procedure Rules 2012

CRI: 2015-031-001523

Appellant's details

Name: New Zealand
Police

Appellant's lawyer: Fergus Sinclair

**Appellant's lawyer
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Decision details

Decision, ruling, sentence or order
that the appeal is against:

Decision of Judge Moss dismissing one charge of
trespass laid under ss 4 (4) and 11 (2) (a) of the Trespass
Act 1980.

Decision court:

Levin District Court

Date of decision:

5 May 2016

Is a copy of the decision attached?

Yes

If the trial has not been held, on what date is it likely to be held?

N/A

Appeal details

The applicant seeks leave to appeal on the following questions of law pursuant to s 296 of the
Criminal Procedure Act 2011:

1. Was the District Court correct in law to hold that the Domain Board cannot issue a
trespass notice because it is not an "occupier" for the purpose of s 4 of the Trespass
Act 1980?
2. Was the District Court correct in law to hold that Mr Taueki could not be the subject
of a valid trespass notice because of the rights reserved to the owners of the
Horowhenua XI block under s 18 of the Reserves and Other Lands Disposal Act
1956?
3. Was the District Court correct in law to hold that the prosecution must be dismissed

because there was no adequate evidence that the Domain Board had resolved to issue a trespass notice and no evidence that it had delegated the authority to trespass Mr Taueki to the person who served the notice on him?

Any exhibits required for the appeal: exhibit 1 (trespass notice), exhibit A (lake map), exhibit B (DOC map).

Oral hearing request

Do you request an oral hearing?


Yes No

Appellant's signature

Name: New Zealand Police by its counsel, Crown Law Office

Date: 1 June 2016

Signed:



Signature not required if authenticated electronically

Please ensure all details are entered correctly, sign or authenticate the document, and file it at Court.