NOTE: PUBLICATION OF NAME, ADDRESS, OCCUPATION OR IDENTIFYING PARTICULARS OF COMPLAINANT PROHIBITED BY S 203 OF THE CRIMINAL PROCEDURE ACT 2011.

IN THE COURT OF APPEAL OF NEW ZEALAND

I TE KŌTI PĪRA O AOTEAROA

CA616/2021 [2021] NZCA 679

BETWEEN TAUHU DAVID MITAI-NGATAI

Appellant

AND THE QUEEN

Respondent

Court: French, Miller and Collins JJ

Counsel: E J Forster for Appellant

P D Marshall and R E King for the Respondent

Judgment: 10 December 2021 at 9.00 am

(On the papers)

JUDGMENT OF THE COURT

- A The application for an extension of time to appeal is granted.
- B The appeal is allowed.
- C The sentence of seven years' imprisonment is quashed and substituted with a sentence of two years' imprisonment.

[Reasons to follow]

This results judgment reflects the generous stance taken by the Crown in conceding the appeal. We are mindful of the Supreme Court's indication in $Fitzgerald \ v \ R^1$ that

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Fitzgerald v R [2021] NZSC 131.

such cases ought to be exceptional and consider that future cases are likely to require
argument and an oral hearing.
Solicitors: Crown Law Office, Wellington for Respondent