



Supreme Court of New Zealand

19 December 2006

MEDIA RELEASE – FOR IMMEDIATE PUBLICATION

**Patricia Lenine Mabel WALSH v R
SC 54/2006 [2006] NZSC 111**

PRESS SUMMARY

This summary is provided to assist in the understanding of the Court's judgment. It does not comprise part of the reasons for that judgment. The full judgment with reasons is the only authoritative document. The full text of the judgment and reasons can be found at www.courtsofnz.govt.nz.

The Supreme Court has unanimously dismissed an appeal against conviction in a case where 34 documents forged overseas were transmitted to and reproduced by facsimile machines in New Zealand. Because the transmitted documents had been forged outside the New Zealand jurisdiction, the Crown prosecuted the forger on the basis that the fax copies were themselves forgeries. At issue on the appeal was whether, as a matter of law, the copies were themselves forgeries.

The Supreme Court has held that according to conventional concepts of the law relating to forgery, the fax copies were, with six possible exceptions, not themselves forgeries but that nevertheless the appeals should be dismissed. That is because the appellant, knowing the documents were forged, had by means of the faxed copies caused people in New Zealand to act upon the forgeries as if they were genuine. That conduct amounted to the crime of uttering forgeries within the New Zealand jurisdiction. The maximum penalty for uttering was the same as for forgery and the conduct in this case was as reprehensible as the forgery itself. Accordingly the Supreme Court amended the counts of forgery to counts of uttering, affirmed the sentences, and dismissed the appeal.

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