



Supreme Court of New Zealand

19 December 2008

MEDIA RELEASE – FOR IMMEDIATE PUBLICATION

**Rebecca Katszi Li v The Queen
SC 80/2007 [2008] NZSC 114**

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.

Ms Li was convicted of numerous counts of forgery under s 256(1) of the Crimes Act 1961, having produced a range of forged documents and certificates for sale to third parties. Ms Li appealed, arguing that convictions under s 256(1) were not open to the jury in the absence of any deception of the purchasers. Ms Li sought the substitution of convictions under s 256(2), which carries a lower maximum penalty.

The appeal has been dismissed by a majority of the Supreme Court, holding that “use” under s 256(1) does not require intended deception by the maker of a false document. The majority has held that a maker of a false document makes use of the document’s falsity to obtain a benefit as much by selling it to someone who he or she expects will use it to deceive as by intending to use it himself or herself to deceive.

The Chief Justice has dissented, stating that the intended “use” to obtain a benefit under s 256(1) must be deceptive, although that deceptive use can be by the maker of the document or by a third party purchaser.

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