

IN THE SUPREME COURT OF NEW ZEALAND

**SC 13/2009
[2009] NZSC 16**

DAVID CULLEN BAIN

v

THE QUEEN

Court: Elias CJ, Blanchard, McGrath, Wilson and Gault JJ

Counsel: H A Cull QC and P A Morten for Appellant
K Raftery and C L Mander for Respondent

Judgment: 6 March 2009

JUDGMENT OF THE COURT

- A For the reasons to be provided at a later date, the appeal is allowed.**
- B The disputed evidence is excluded and the material in issue is to be excised.**
- C The orders prohibiting publication of any part of the proceedings (including the reasons when they are given) continue, save that these orders may be published.**

Solicitors:
Duncan Cotterill Auckland for Appellant
Crown Law Office, Wellington for Respondent