



Supreme Court of New Zealand | Te Kōti Mana Nui o Aotearoa

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MEDIA RELEASE

ALAN RUSSELL HALL v THE QUEEN

(SC 21/2022) [2022] NZSC 71

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 Judicial Decisions of Public Interest: www.courtsofnz.govt.nz.

Introduction

In 1986, Alan Hall was convicted of the murder of Arthur Easton and of intentionally wounding Brendon Easton. Mr Hall's application for leave to appeal to the Court of Appeal was declined. His three subsequent applications for the exercise of the royal prerogative of mercy were also unsuccessful. In January 2022, he applied for an extension of time to seek leave to appeal to the Supreme Court against his convictions.

Factual Background

Mr Easton and his teenage sons, Brendon and Kim, were confronted by an intruder in their Papakura home at about 8 pm on 13 October 1985. The intruder wore a woollen hat and was armed with a bayonet. A struggle ensued, during which Mr Easton was fatally stabbed. The intruder managed to escape, leaving behind a bayonet and a woollen hat. Following an investigation, the police charged Mr Hall with the offending. He was convicted following a jury trial in 1986 and received a sentence of life imprisonment.

Court of Appeal decision

In 1987, Mr Hall applied to the Court of Appeal for leave to appeal his conviction. He advanced three grounds: that the prosecutor's closing address was unfair; the summing up was unbalanced; and the Crown had not met its disclosure obligations. Each of these grounds was rejected by the Court.

In 2022, the Supreme Court granted an extension of time to seek leave to appeal and granted leave on the question of whether the Court of Appeal was correct to dismiss the appeal.

The Crown accepted there had been a substantial miscarriage of justice and that it was necessary in the interests of justice that this Court hear and determine Mr Hall's appeal despite the delay. The Crown advised that it did not intend to oppose the appeal, instead agreeing his convictions should be quashed with no order for a retrial.

The Supreme Court decision

In an oral judgment delivered on 8 June 2022, the Supreme Court unanimously allowed the appeal, quashed Mr Hall's convictions and directed that verdicts of acquittal be entered.

The Court accepted that there had been a substantial miscarriage of justice on each of the three grounds of appeal advanced by Mr Hall in this Court.

The first ground of appeal related to changes made to a statement by Mr Turner, a witness for the Crown, who said he had seen a man fleeing the crime scene. In his original statements, Mr Turner identified the offender as being Māori. However, the version of his statement that was read to the jury excluded any reference to the offender's ethnicity. It should be noted that Mr Hall is Pākehā. Furthermore, in his original statement, Mr Turner identified the offender as wearing a sweatshirt. However, the statement that was read to the jury went further and suggested this sweatshirt was the one police had seized from Mr Hall. Mr Turner was not made aware of these changes. His statement formed a key part of the Crown case and much emphasis was placed on it at trial. The Crown accepted, and the Court agreed, that Mr Turner's statement should not have been altered in this way and this led to a substantial miscarriage of justice.

The second ground of appeal concerned the breaches of the Crown's disclosure obligations. Broadly, the material that was not disclosed comprised various identification evidence material, the records of Mr Turner's original statements and evidence about another suspect who had been the subject of police investigations. While there was some dispute between the parties as to the extent of the non-disclosure, this did not need to be resolved. It was plain the Crown did not meet its disclosure obligations and that the failures were material. Again, on the basis of this ground alone, the Court was satisfied that a substantial miscarriage of justice has occurred.

The final ground of appeal related to the statements that Mr Hall had made to police in response to their questioning. While maintaining his innocence, Mr Hall admitted to formerly owning the bayonet and woollen hat but gave various explanations as to why they were no longer in his possession. He also said he was near the Easton home at the relevant time. These statements were critical in the trial. The Crown also relied on the various inconsistencies in the statements. The Court, having considered the breaches of the Judges' Rules 1912 (which governed police questioning at that time), the length and nature of the interviews, and Mr Hall's intellectual abilities, concluded that the statements should have been excluded. Mr Hall therefore succeeded on this ground of appeal as well.

The Court concluded that in the circumstances of this case, it was in the interests of justice to direct verdicts of acquittal.

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