

**ORDER PROHIBITING PUBLICATION OF NAMES, ADDRESSES OR
IDENTIFYING PARTICULARS OF DEFENDANTS AND MR C UNTIL
FURTHER ORDER PURSUANT TO S 200 OF THE CRIMINAL PROCEDURE
ACT 2011.**

SEE <http://www.legislation.govt.nz/act/public/2011/0081/latest/DLM3360346.html>

**IN THE HIGH COURT OF NEW ZEALAND
AUCKLAND REGISTRY**

**I TE KŌTI MATUA O AOTEAROA
TĀMAKI MAKĀURAU ROHE**

**CRI-2024-092-7962
[2026] NZHC 2343**

THE KING

v

M and S

Hearing:	29, 30 June, 1, 2, 6, 7, 8, 9, 13,14, 15, 16, 17 and 23 July 2026
Counsel:	J R Billington KC, G J Burston and R S Bedggood for the Crown DPH Jones KC and N Batts for Mr M P F Wicks KC and C Morris for Mr S
Verdicts	12 August 2026

VERDICTS OF GAULT J

Solicitors / Counsel:
Mr J R Billington KC, Barrister, Auckland
Mr G J Burston and Ms R S Bedggood, Luke Cunningham & Clere, Office of the Crown Solicitor,
Wellington
Mr DPH Jones KC, Barrister, Auckland
Mr N Batts, Molloy Hucker, Auckland
Mr P F Wicks KC, Barrister, Auckland
Mr C Morris, Cameron Morris, Auckland
Copy to:
Mr A F Pilditch KC, Barrister, Auckland

[1] The purpose of this hearing is to deliver my verdicts in open court.

[2] Mr M and Mr S each face one charge of wilfully attempting to obstruct, prevent, pervert or defeat the course of justice.¹

[3] The alleged offending relates to their involvement in the investigation and prosecution of Mr Alan Hall for the murder of Mr Arthur Easton and the wounding of his son Brendon Easton on 13 October 1985 (Operation Easton). Mr Hall was convicted in September 1986 and his application for leave to appeal was dismissed in 1987.² Mr Hall's convictions were ultimately quashed 35 years later in 2022 by the Supreme Court on the basis that justice had seriously miscarried.³ The charges in this proceeding followed a subsequent investigation into the handling of Operation Easton.

[4] The alleged offending was based on the evidence of Mr Turner, who said that on the night of 13 October 1985, he had seen a man running across Clevedon Road, not far from the homicide scene. In a jobsheet recording Mr Turner's initial call to police and in two subsequent statements taken from Mr Turner by police, among other physical characteristics, Mr Turner described the man as Māori. That description was not included in Mr Turner's statement ultimately provided as Mr Turner's evidence under s 173A of the Summary Proceedings Act 1957 at both the depositions and trial of Mr Hall. Nor did Mr Hall's defence counsel have copies of Mr Turner's previous statements.

[5] The charges faced by each defendant relate to two interrelated acts. The first is the directing or arranging for Mr Turner's s 173A statement to be prepared and signed, knowing that statement deliberately excluded Mr Turner's description of the man as Māori. The second is the decision not to disclose Mr Turner's previous statements to Mr Hall's defence lawyers, despite a legal obligation to do so.

[6] The trial proceeded as a Judge-alone trial from 29 June to 23 July 2026. I reserved my decision.

¹ Crimes Act 1961, ss 117(d) and 66. Maximum penalty seven years' imprisonment.

² *R v Hall* [1987] 1 NZLR 616 (CA).

³ *Hall v R* [2022] NZSC 71, [2022] 1 NZLR 131.

[7] I am required to give reasons for my verdicts.⁴ Rather than reading those reasons at length now, my reasons will be made available immediately following this hearing.

[8] Will the defendants please stand.

[9] I return the following verdicts:

- On Charge 1: Mr M, I find you not guilty.
- On Charge 2: Mr S, I find you not guilty.

[10] I enter acquittals in respect of each verdict.

[11] Mr M, Mr S and Mr C have had interim name suppression. After discussion with counsel, I extend the interim suppression orders pending hearing of applications for permanent name suppression. I will convene a telephone conference to address prompt timetabling.

Gault J

⁴ Criminal Procedure Act 2011, s 106(2). See *Sena v New Zealand Police* [2019] NZSC 55, [2019] 1 NZLR 575 at [17]-[18], citing *R v Connell* [1985] 2 NZLR 233 (CA) at 237-238 and *R v Eide* [2005] 2 NZLR 504 (CA) at [20]-[21].