

**IN THE SUPREME COURT OF NEW ZEALAND**

**I TE KŌTI MANA NUI O AOTEAROA**

**SC 163/2025  
[2026] NZSC 8**

BETWEEN                      MOHI FRANCIS MATEPARAE  
   Applicant

AND                              THE KING  
   Respondent

Court:                          Ellen France, Kós and Miller JJ

Counsel:                      S T L Teppett for Applicant  
   I S Auld for Respondent

Judgment:                    20 February 2026

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**JUDGMENT OF THE COURT**

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**The application for leave to appeal is dismissed.**

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**REASONS**

[1] Mr Mateparae was a yard hand at a car yard in Auckland. The yard dealt in both motor vehicles and class A drugs. Mr Mateparae's involvement in the latter was as a cash courier:

- (a) In March 2019, he travelled to Wellington to collect a suitcase containing the proceeds of drug dealing. He returned to Auckland and delivered it to his employer at the car yard.
- (b) Twelve days later, he travelled again to Wellington. Upon his return to Auckland Airport, police covertly searched his bag and located cash.

(c) In May 2019, he was stopped while driving in Wellington. Police performed a search and found a suitcase containing \$190,170 and \$4,975 on his person. At the time, he explained he was collecting cash from vehicle sales for his employer.

[2] A jury found Mr Mateparae guilty of enabling a person to conceal proceeds of crime—under s 243(2) of the Crimes Act 1961—for the first two acts, and guilty of possessing proceeds of crime with an intention to deal with and enable any person to conceal them under s 243(3)—for the third. He was sentenced to eight months’ home detention.<sup>1</sup>

[3] Mr Mateparae appealed his convictions on the basis the Judge omitted to direct the jury that it needed to be satisfied he intended to enable concealment under subs (2). Dismissing the appeal, the Court of Appeal found no error in the Judge’s directions. First, the Court emphasised that the dealing must *enable*, not necessarily *cause*, concealment. Secondly, as subs (4A) makes clear, no intention to enable concealment is required. Thirdly, the Court noted subs (4), which defines “engages in a money laundering transaction”, used to refer to dealing “for the purpose” of concealment or enabling concealment, and those words were removed in 2015.<sup>2</sup>

### **Proposed appeal**

[4] Mr Mateparae proposes now to argue that he could not have been charged under subs (2), largely reprising arguments made below. He says that under subs (2) there must be a causal relationship between the dealing and the concealment, and the defendant must have acted for the purpose of concealment or enabling concealment. The less serious subs (3) offence criminalises possession and requires proof of intent to engage in money laundering. Treating transport as enabling concealment collapses the difference between the two offences. Moreover, a cash courier who does not conceal the cash risks bearing unfair responsibility under the more serious subs (2) offence even though he did not know of or intend later concealment. Mr Mateparae says that cash couriers must be tried under subs (3), not subs (2).

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<sup>1</sup> *R v Mateparae* [2024] NZDC 22639 (Judge Sellars KC).

<sup>2</sup> *Mateparae v R* [2025] NZCA 512 (Collins, Jagose and Gault JJ) [CA judgment] at [39]–[40].

## **Our assessment**

[5] We do not consider it in the interests of justice to hear or determine the proposed appeal.<sup>3</sup>

[6] The proposed appeal lacks any realistic prospect of success, and does not thereby raise a matter of general or public importance.<sup>4</sup> Section 243(2) requires the defendant to conceal property or enable its concealment by another person, but does not require that the defendant act with the *purpose* of enabling concealment. Nor is it realistically open for Mr Mateparae to argue—as he wishes to do—that s 243(3) limits the application of s 243(2). The two provisions deal with distinct offences. Mr Mateparae’s further attempt to frame a cash courier’s responsibility under subs (2) as unfair for want of mens rea is misconceived. As the Court of Appeal noted, what the subs (2) offence requires is proof of knowledge, belief or recklessness as to the criminal origin of the property.<sup>5</sup>

[7] Nor, for these reasons, is there an appearance of a substantial miscarriage of justice having occurred.<sup>6</sup>

## **Result**

[8] The application for leave to appeal is dismissed.

Solicitors:

Te Tari Ture o te Karauna | Crown Law Office, Wellington for Respondent

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<sup>3</sup> Senior Courts Act 2016, s 74(1).

<sup>4</sup> Section 74(2)(a).

<sup>5</sup> CA judgment, above n 2, at [41].

<sup>6</sup> Senior Courts Act, s 74(2)(b).