



Supreme Court of New Zealand

16 March 2010

MEDIA RELEASE – FOR IMMEDIATE PUBLICATION

**Deryck Joseph Morgan v The Queen
(SC92/2008) [2010] NZSC 23**

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.

The Supreme Court has dismissed an appeal brought by Mr Morgan against his conviction on a charge of aggravated robbery.

Mr Morgan argued that a statement to police of a hostile witness should not have been admitted in evidence as an exhibit. The witness gave evidence of a confession by Mr Morgan, who was his cell-mate, at both a depositions hearing and a previous trial but was declared hostile under s 94 of the Evidence Act 2006 at the second trial. In a change introduced by that Act, previous statements of a hostile witness are admissible as proof of their contents without adoption. The Court has held by a majority that the evidence did not require exclusion under s 8 of the Act as being unfairly prejudicial.

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