

IN THE SUPREME COURT OF NEW ZEALAND

SC 11/2016  
[2016] NZSC 36

BETWEEN                      KARL LESLIE RAYMOND MARWOOD  
   Applicant

AND                              THE COMMISSIONER OF POLICE  
   First Respondent

   ERANA KING  
   Second Respondent

   THE PERRIN TRUST  
   Third Respondent

   ANZ BANK  
   Fourth Respondent

Court:                          William Young, Arnold and O'Regan JJ

Counsel:                      R E Harrison QC and M W Ryan for Applicant  
   M D Downs and P D Marshall for First Respondent  
   A G Speed for Second Respondent  
   No appearance for Third and Fourth Respondents

Judgment:                      11 April 2016

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**JUDGMENT OF THE COURT**

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**A      Leave to appeal is granted (*Commissioner of Police v Marwood* [2015] NZCA 608).**

**B      The approved question is:**

**Did the Court of Appeal err in holding that the High Court had no jurisdiction (or power) to exclude the challenged evidence obtained by search of the applicant's premises and, if so, should the challenged evidence be excluded in this proceeding?**

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## REASONS

[1] The issues arising in this appeal have some commonality with those arising in *R v A(SC 12/2016)* for which leave was given on 15 March 2016 and which is due to be heard on 16 June 2016.<sup>1</sup> For this reason it would be convenient to the Court for the present appeal to be heard at or near the same time as *R v A*. We therefore set the present appeal down for hearing on 16 June 2016, immediately after *R v A*, with provision for the hearing to continue into 17 June 2016 if necessary.

Solicitors:  
Edwards Clarke Dickie, Auckland for Applicant  
Crown Law Office, Wellington for First Respondent

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<sup>1</sup> *R v A(SC 12/2016)* [2016] NZSC 21. A suppression order has been made in relation to that judgment.