

MATTHEW JOHN BIRCHLER

v

NEW ZEALAND POLICE

Court: Elias CJ, Blanchard and Wilson JJ

Counsel: R M Lithgow QC for Appellant
A M Powell for Respondent

Judgment: 18 March 2010

JUDGMENT OF THE COURT

A The application for leave to appeal is granted.

B The approved grounds are:

- (i) whether the appeal by the respondent to the High Court was barred by s 108 of the Summary Proceedings Act 1957; and**
- (ii) whether the lawful administration of a breath screening test is an element of the offence of driving with excess blood alcohol.**

Solicitors:
Kathy Ertel, Wellington for Appellant
Crown Law, Wellington for Respondent