

29 October 2018

Ross Francis

By email: [fyi-request-8672-372d6395@requests.fyi.org.nz](mailto:fyi-request-8672-372d6395@requests.fyi.org.nz)

Dear Mr Francis

**Official Information Act 1982 request: Royal prerogative of mercy**

I refer to your FYI request to the Minister of Justice of 11 October 2018 requesting information about the Royal prerogative of mercy under the Official Information Act 1982. On 12 October 2018, the request was transferred to the Ministry under section 14 of the Act.

You requested the following information:

*"Since January 1995, how many individuals have applied for the Royal prerogative of mercy and was a pardon recommended for any of the applicants?"*

*How many applications are currently being considered?*

*Among those who have applied for the Royal prerogative since January 1995, how many have had their convictions overturned?*

*How many convictions were overturned between 2010 and 2017 (inclusive)?"*

I have addressed each part of your request below.

1. *Since January 1995, how many individuals have applied for the Royal prerogative of mercy and was a pardon recommended for any of the applicants?*

About 170 applications for the Royal prerogative of mercy were made between January 1995 and October 2018.

In no case was a pardon recommended. However, the prerogative of mercy was exercised on 16 occasions in that period to refer a person's case back to the appeal courts.

2. *How many applications are currently being considered?*

9 applications are currently under consideration.

3. *Among those who have applied for the Royal prerogative since January 1995, how many have had their convictions overturned?*

Of the 16 occasions on which an applicant's case was referred back to an appeal court under section 406 of the Crimes Act 1961, the outcomes on the appeal were:

- Convictions quashed and acquittal entered – 3
- Convictions quashed and stay of proceedings ordered – 2
- Convictions quashed and a new trial ordered – 7
- Sentence reduced – 1
- Appeal dismissed – 2
- Appeal pending – 1

Of the 7 cases where a new trial was ordered, the outcomes were:

- Crown did not proceed, charges dismissed – 2
- Appellant unfit to stand trial, stay of proceedings ordered – 1
- Acquitted at trial – 2
- Outcome not known – 2

4. *How many convictions were overturned between 2010 and 2017 (inclusive)?*

One case was referred to the Court of Appeal in this period. In that case, the convictions were quashed and a stay of proceedings was ordered.

A second case was referred to the Court in 2018; the appeal is pending.

Yours sincerely



Jeff Orr

**Chief Legal Counsel**