



**JONATHAN EATON QC**

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### **Professional Experience**

1986 - 1988	Cunningham Taylor, Barristers & Solicitors – general practice
1988 - 1991	British Gas (London) – civil litigation - BBC (London) – defamation advice/litigation
1991 - 1994	Wood Marshall, Barristers & Solicitors – general civil and criminal litigation
1994 - 1998	Raymond Donnelly, Crown Solicitor – senior prosecutor
April - 1998	Barrister Sole
June - 2006	Founding member Bridgeside Chambers
May - 2013	Queen’s Counsel

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### **Areas of Expertise**

Criminal jury trial, criminal appeal, regulatory/quasi criminal prosecutions and professional disciplinary proceedings.

I have worked as a litigation lawyer both in New Zealand and the United Kingdom since 1986. In 1995 after several years of general litigation practice I joined the Christchurch Crown Solicitor’s Office and have since specialised in both trial and appellate criminal work. In 1996 I was appointed a senior prosecutor by the Solicitor-General and acted as lead prosecutor in a range of cases including multiple accused murder, multiple complainant, historical sexual abuse and serious criminal conspiracy cases. I joined the independent bar in 1998 specialising in criminal trial and appellate litigation and in 2006 was the founding member of Bridgeside Chambers in Christchurch. I have a special interest in continuing legal education and am regularly involved in presenting seminars and preparing submissions on behalf of both the New Zealand Law Society and the New Zealand Bar Association. I regularly conduct jury trials in the District and High Courts and have a strong appellate practice in the Court of Appeal and the Supreme Court. I am regularly retained as lead counsel in criminal and quasi criminal prosecutions throughout the South Island. I conduct a range of miscellaneous prosecutions including Ministry of Health, Department of Labour, Ministry of Economic Development and Inland

Revenue prosecutions. I represent professionals facing disciplinary inquiries and proceedings including barristers and solicitors, real estate agents, medical and dental practitioners and the police.

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### **Appointments**

1998 - New Zealand Police Association Preferred Lawyers Panel  
2004 - Faculty NZLS Litigation Skills Programme  
2006 - New Zealand Armed Forces Courts Martial Panel

### **Positions Held**

2005 - 2010 New Zealand Bar Association council member (criminal specialist)  
2008 - 2010 South Island Vice President New Zealand Bar Association

### **Publication/Presentations**

- “Sentencing – The New Dimensions” NZLS Seminar March 2003
  - “Veracity and Propensity” NZLS Intensive Evidence Act 2006 June 2007
  - “Miscarriage of Justice – the Royal Prerogative of Mercy – Using the Current System” NZLS Criminal Law Symposium November 2008
  - “Oral Evidence Hearing” NZLS Seminar “The New Trial Committal Process and Disclosure Regime” June 2009
  - Regular presenter at NZBA Conferences
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### **Notable Cases Include:**

#### Murder/Manslaughter

*R v Gwaze* [2009] NZCA 430; [2010] 1 NZLR 646 (CA); [2010] 3 NZLR 734 (NZSC)  
- representing the accused charged with murder and sexual offending against his 10 year old niece. Case involved complex medical and DNA issues and national and international experts. Acquittal on all counts at trial. Unsuccessful Crown appeal to Court of Appeal, successful Crown appeal to Supreme Court, acquitted on all counts at retrial.

*R v Harris* (2010) Greymouth High Court - successful defence of murder charge (guilty manslaughter). Accused using deceased’s knife to fend off attack.

*R v Tait & Ors* (2008) Blenheim High Court - acquittal on murder (and manslaughter) count in case involving allegation of gang warfare. Accused charged as a party to a fatal shooting.

*R v Peters & Ors* (2008) Christchurch High Court - acquittal on murder (guilty manslaughter) in multiple accused case. Street bashing involving cut throat defences.

*R v Haig* (2006) 22 CRNZ 814 (CA) - acting for appellant in successful appeal against conviction for murder having served 10 years in prison following application for Royal Prerogative of Mercy.

*R v Blackmore* (2004) Christchurch High Court - successful provocation defence on murder count resulting in manslaughter verdict for husband who fatally stabbed wife while suffering complicated neurological condition and severe depression.

*R v Tuhoro & Ors* (1998) Christchurch High Court - lead prosecutor of 5 accused charged and convicted with aggravated robbery and murder/manslaughter following armed hold-up of Caledonian Hotel Bottle Store.

*R v Walsh* (1997) Christchurch High Court - lead prosecutor of accused charged and convicted of the murder of a male and female.

### Serious Violence

*R v Abdille* (2010) Christchurch High Court - appointed to act as amicus curiae in case of Somalian refugee facing charges of hijacking an aeroplane and causing grievous bodily harm to the pilot and other passengers.

*R v Davis* (2004) Christchurch District Court - charge of wounding with intent to cause grievous bodily harm. Allegation of stabbing best friend's mother in the head causing serious injury. Successful automatism defence based on both forensic psychiatry and clinical pharmacologist expert evidence. One of the few cases in New Zealand where non-insane automatism has been successfully advanced.

### Sexual Offending

*R v XJ* (2010) Nelson District Court - defending ex MP on indecency charges. Convicted at trial. Successful appeal.

*R v Connolly* (2009) Christchurch High Court defending police officer facing charges of corruptly engaging in sexual acts with a prostitute.

*R v Stewart* (2007) Christchurch High Court (*Stewart (Peter) v R* [2010] 1 NZLR 197) - defending multiple historical allegations of sexual offending made by deaf sister-in-law against high profile Canterbury businessman.

*R v Capill* (2005) Christchurch District Court - defending ex-leader of Christian political party facing serious charges of sexual offending.

### Fraud

*R v Chiang & Ors* (Operation Dam) (2010) Christchurch District Court - accused facing charges of being member of criminal enterprise/receiving in burglary receiving ring allegedly for export of stolen property to Vietnam.

*Solicitor-General v X & Y* (2010) Christchurch District court - acting for solicitor facing allegations of fraud, money laundering and attempting to pervert the course of justice involving substantial property transactions and alleged laundering of monies through Hong Kong and China.

*Police v W* (2010) Christchurch High Court – successful appeal against conviction acting for solicitor facing charges of false accounting.

*R v W & Ors* (2007) Christchurch District Court - successful defence of Christchurch Solicitor facing multiple fraud charges brought by the Serious Fraud Office in relation to alleged mortgage scam.

*R v A* (2006) Christchurch District Court - successful defence of rest home operator facing multiple fraud charges brought by the Crown on behalf of the Ministry of Health alleging benefits wrongly claimed for deceased residents.

*R v Burrell & Ors* (2005) Christchurch District Court - successful defence of property developer facing Serious Fraud Office charges alleging mortgage scam.

*R v Coburn* (2003) Christchurch District Court/Court of Appeal - defending solicitor facing charges of theft of substantial sums of client monies and fleeing outside jurisdiction.

*R v E & Ors* (1999) 17 CRNZ 40 Christchurch High Court - local businessman successful defence of conspiracy to defraud charges brought by the Serious Fraud Office.

#### Traffic

*Police v Austin* (2010) Christchurch District Court – defending the 17 year old driver who lost control of his vehicle killing a child and injuring the mother and a second child. A leading restorative justice case.

*Police v A & Ors* (2005) Timaru District Court, *G v Police* [2006] DCR 346 (HC) - successful defence of policeman facing charges arising from the Prime Ministerial motorcade dash to Christchurch from Timaru. Also acted on successful High Court appeal on behalf of VIP driver.

#### Drugs

*R v McKenzie & Ors* (Operation Granite), (2012) Christchurch High Court – acting for alleged financier of Methamphetamine manufacturing conspiracy.

*R v McNeill & Ors* (Operation Lime), (2010) Christchurch District Court - business owner facing drugs utensils supply charges following nationwide police operations selling hydroponic equipment.

#### Coronial Hearings

(2006) Piper Chieftan plane crash Christchurch international airport. Acting for the families of a deceased and leading wide reaching investigation into the general aviation industry.

#### **Notable recent/current cases:**

*R v M* (2012) Christchurch High Court - engaged on behalf of public servant facing multiple counts of bribery/corruption and indecencies.

*R v Mount Nelson District Court* - engaged as lead counsel for financial administrator facing multiple counts of theft by failing to account.

*SFO v South Canterbury Finance Timaru District Court* - briefed to act for one of five accused facing allegations of \$1.6 billion fraud.

*R v Smith-Voorkamp* - pro bono case. Aspergers defendant accused of burglary following Christchurch earthquakes.

### Reported Cases (including):

- *Police v CLR* [2011] DCR 549
- *R v Gwaze* [2010] 3 NZLR 734; (2010) 24 CRNZ 702 (SCNZ)
- *Stewart (Peter) v R* [2010] 1 NZLR 197
- *R v Gwaze* [2010] 1 NZLR 646; (2009) 24 CRNZ 348 (CA)
- *R v Haig* (2006) 22 CRNZ 814 (CA)
- *G v Police* [2006] DCR 346 (HC)
- *Police v A* [2006] DCR 141
- *Commerce Commission v Affordable Homes Ltd* [2006] DCR 109
- *R v Reid* (2005) 23 CRNZ 238; [2005] DCR 946 (DC)
- *R v Fisher* (2004) 21 CRNZ 402
- *R v Bailey* [2003] DCR 392
- *Police v Butler Auto Mark Ltd* [2003] DCR 108
- *R v A* (CA299/03) (2003) 20 CRNZ 762
- *R v K* (2002) 19 CRNZ 698
- *R v Fox* (2002) 19 CRNZ 652 (CA)
- *R v W* [2001] DCR 863
- *Rae v Police* [2000] 3 NZLR 452; (2000) 18 CRNZ 182; (2000) 6 HRNZ 54 (CA)
- *Rae v Police* (2000) 18 CRNZ 205 (HC)
- *R v Wells* [2000] DCR 123
- *Gennaoui v Monk* [2000] NZAR 348
- *R v E* (1999) 17 CRNZ 40
- *Taxation Review Authority Case 8* [1998] TRNZ 48
- *R v Tuhoro* [1998] 3 NZLR 568; (1998) 15 CRNZ 568 (CA)
- *R v Drew* (1998) 4 HRNZ 614 (CA)
- *Baker v Police* [1997] 2 NZLR 467; (1997) 15 CRNZ 11 (HC)
- *Police v G* [1997] 1 NZLR 455; (1996) 3 HRNZ 358 (HC)
- *R v Machirus* [1996] 3 NZLR 404; (1996) 14 CRNZ 172 (CA)
- *R v T* (1996) 3 HRNZ 77 (CA)
- *R v Oakes* [1995] 2 NZLR 673
- *R v Oldham* (1994) 11 CRNZ 658 (HC)
- *R v Gallagher* (1993) 9 CRNZ 421 (CA)
- *R v Gallagher* [1993] NZLR 659; (1992) 9 CRNZ 258 (CA)

**Contact details:**

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