

## CURRICULUM VITAE

**KERRY HAYDEN COOK**

### **PERSONAL DETAILS**

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### **HIGHER EDUCATION**

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**1998-2002** University of Canterbury  
**2002** Institute of Professional Legal Studies  
**2003-2004** Pupil at Riverlands Chambers

### **LEGAL WORK**

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**2003 – 2004:** Riverlands Chambers. I was employed as a ‘Pupil’ at Riverlands Chambers. My tasks included researching various legal points and appearances in various Courts. My appearances ranged from minor matters to appeals in the Court of Appeal.

**2004 – 2007:** University of Canterbury. I tutored in Introduction to Legal System, Criminal Law and the Law of Evidence.

**2004 – Present:** Barrister. I have practised as a Barrister and have, until recently, predominantly focused on criminal law. However, my focus has changed and whilst still active in criminal law matters my practice is now more varied. Relevantly, I have appeared in all manner of cases including fixtures, jury trials, originating applications and appeals (including Supreme Court appeal hearings). I am also a Youth Advocate in Timaru.

### **NOTABLE RECENT JUDGMENTS**

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- *R v Anderson* ([2005](#)) [21 CRNZ 393](#) - Successful appeal regarding illegal and unreasonable search
- *Mortensen v Police* (French J, High Court, Christchurch Registry, CRI-2008-409-52, 22 July 2008) – Successful appeal regarding illegal and unreasonable search
- *R v Machirus* [2008] NZCA 477 – Successful appeal regarding improper non-disclosure of inducements to a material Crown witness

- [R v Gordon-Smith \(on appeal from R v King\) - \[2009\] 1 NZLR 721](#) (SC) – Successful application for leave to the Supreme Court which is notable for ‘mootness’ aspect
- *Hardy v Police* (Fogarty J, High Court, Christchurch Registry, CRI-2008-409-221, 21 August 2009) – Unsuccessful appeal on apprehended bias
- [R v Gordon-Smith \(No 2\) \(on appeal from R v King\) - \[2009\] 2 NZLR 725](#) (SC) – Appeal on ability of Crown to search jury lists
- *Pollard v R* [2010] NZCA 294 – Successful appeal on illegal and unreasonable search
- [Moffat v R - \[2010\] 1 NZLR 701; \(2009\) 24 CRNZ 242](#) – The leading judgment on co-accused propensity evidence
- [Barr v Police - \[2010\] 2 NZLR 1](#) (SC) – Successful appeal about legality of Police seeking costs
- [Morgan v R - \[2010\] 2 NZLR 508; \(2010\) 24 CRNZ 582](#) (SC) – Unsuccessful appeal which is leading judgment on hostile witnesses
- *Story v R* [2012] NZCA 98 – Partially successful appeal on reparation issue
- [Harney v Police - \[2012\] 1 NZLR 725](#) (SC) – Successful appeal regarding unsafe identification evidence
- [Attorney-General v Chapman - \[2012\] 1 NZLR 462](#) (SC) – Decision regarding ability of the judiciary to be sued for breaches of the NZBORA 1990 - this case is being prepared for an appeal to the UNCHR
- *R v Antonievic* [2012] NZHC 2686 – Successful stay application on the basis of serious police misconduct
- *Watson v Department of Corrections* [2012] NZHC 3542 – Successful judicial review in relation to prisoner attending mother’s funeral which was pleaded and argued in one afternoon
- *Criminal Bar Association of New Zealand Inc v Attorney-General* [2013] NZCA 176 – Successful judicial review regarding illegality of fixed fees scheme introduced in relation to legal aid
- *Scollay v Police* [2013] NZHC 444 – Successful bail appeal for a murder accused.

**NOTABLE RECENT TRIALS (dates and full names omitted for privacy – can be provided on request)**

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- *R v C* – Successful defence in relation to conspiracy to supply cannabis
- *R v M* – Successful defence in relation to importing Class B drugs
- *R v B* – Successful defence (complete acquittal) as junior counsel in murder trial where it was a historical allegation of smothering sister and there had been admissions
- *R v R* – Successful defence (complete acquittal) as junior counsel in multi-accused murder trial involving expert evidence regarding lethal intoxication levels and positional asphyxia
- *R v D-G* – Successful defence in aggravated robbery trial involving allegations of firearms and extortion