

Ani O'Brien  
[fyi-request-14435-149c0aba@requests.fyi.org.nz](mailto:fyi-request-14435-149c0aba@requests.fyi.org.nz)

Ref: OIA 85388

Dear Ani O'Brien

**Official Information Act 1982 request**

Thank you for your Official Information Act 1982 (OIA) request dated 11 January 2021 for the following information:

*I request any information related to the nature of the defence used by the accused in murder trials (any trials in the case of someone's death) in New Zealand in the past 10 years (2010 - onwards). I am particularly interested in cases/trials where the accused used a defence of "sex gone wrong" or "rough sex" as a defence. I am requesting any information you have on this.*

The Courts' Case Management System (CMS), from which data is extracted, does not contain any information about the defence a defendant uses in a murder trial. Accordingly, I must decline your request under s18(g) of the OIA as the information is not held by the Ministry of Justice (the Ministry) and is not believed to be held by any other government agency.

Information about the defence used in a murder trial could be held on the court file, though this is not the case for all files. Access to court documents in the Supreme Court, Court of Appeal, and High Court is governed by the Senior Courts (Access to Court Documents) Rules 2017. You can apply to access court documents by writing to the relevant court. You can find information about this process at [www.courtsofnz.govt.nz/going-to-court/media/finding-out-about-a-case/](http://www.courtsofnz.govt.nz/going-to-court/media/finding-out-about-a-case/)

If you require any clarification of the information contained in this response please contact Alison Horwood, Media Manager, Media and External Relations, by calling (04) 918 8836; or emailing [media@justice.govt.nz](mailto:media@justice.govt.nz)

If you are not satisfied with this response, you have the right to complain to the Ombudsman in accordance with s28(3) of the OIA. You can contact the Ombudsman by writing to PO Box 10152, Wellington 6143, calling 0800 802 602 or emailing [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz)

Yours sincerely



Andrea King  
**Group Manager, Senior Courts**