

19 February 2024

K
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Tēnā koe

Request for information

Thank you for your Official Information Act 1982 (OIA) request of 7 January 2024 in which you asked for information regarding the death of Gerard Armstrong in Thames on 16 March 2008.

My response to each part of your request can be found below.

1. *The reason for David Edward Turner not being charged with the homicide of Gerard Armstrong in Thames New Zealand March 16 2008*

For this part of your request, it is crucial to understand the meaning of homicide, as it remains uncertain whether your request relates to charging David Turner with homicide or charging them with causing the death of Mr. Armstrong.

Section 167 of the Crimes Act 1961 defines culpable homicide as murder if the offender caused the death of another human being with the required intent i.e.:

- a. The offender meant to cause the death of the person killed.
- b. The offender meant to cause to the person killed any bodily injury that is known to the offender to cause death and is reckless whether death ensued or not.
- c. The offender accidentally or mistakenly killed person B, while having the intent described in (a) or (b) in relation to person A.
- d. The offender did an act for an unlawful purpose that s/he knew would be likely to cause death. It does not matter if the offender wanted to achieve his or her objective without hurting anyone.

Mr Armstrong died as a result of a tragic traffic accident. There was never any suggestion that any person involved intended any harm to Mr Armstrong. Police charged Ms Neal with driving carelessly causing the death of Mr Armstrong.

It later transpired that the driver of the vehicle, Ms Neal, and Mr Turner confessed that they lied to Police about who was driving the vehicle. By the time those confessions were made, the statute of limitations had expired in order to file a charge against Mr Turner for driving carelessly causing the death of Mr Armstrong.

Charges of Attempting to Defeat the Course of Justice were filed against Ms Neal and Mr Turner in respect of lying about who had been driving, and they were both convicted and sentenced to terms of imprisonment.

2. *I would like all information, interviews and relevant documents regarding this case please.*

A copy of the investigation file is attached, which includes reports on Police's initial response, Serious Crash Unit investigation, and subsequent prosecution of Angela Neal initially, and then David Turner and Angela Neal post November 2008. Some information has been withheld pursuant to section 9(2)(a) of the OIA to protect the privacy of natural persons. Police considers the interests requiring protection by withholding the information are not outweighed by any public interest in release of the information.

Please note that as part of its commitment to openness and transparency, Police proactively releases some information and documents that may be of interest to the public. An anonymised version of this response may be publicly released on the New Zealand Police website.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Nāku noa, nā

WL (Bill) CROWE
Detective Sergeant
New Zealand Police