IN THE COURT OF APPEAL OF NEW ZEALAND

I TE KŌTI PĪRA O AOTEAROA

CA609/2024
[2025] NZCA 512

BETWEEN	MOHI FRANCIS MATEPARAE Appellant
AND	THE KING Respondent

CA670/2024

BETWEEN	JONATHON MARCUS MILLAR Appellant
AND	THE KING Respondent

Hearing:	22 July 2025
Court:	Collins, Jagose and Gault JJ
Counsel:	S T L Teppett and C G Faber for Appellant in CA609/2024 R M Mansfield KC for Appellant in CA670/2024 S S McMullan for Respondent
Judgment:	1 October 2025 at 10.30 am

JUDGMENT OF THE COURT

The appeals are dismissed.

REASONS OF THE COURT

(Given by Gault J)

Introduction

[1] Following a six-week jury trial in the District Court at Auckland with Judge Sellars KC presiding:

(a) Mr Mateparae was convicted of three charges of money laundering;[1] and

(b) Mr Millar was convicted of three charges of supplying methamphetamine,[2] one charge of possessing methamphetamine for supply,[3] five charges of money laundering,[4] and one charge of participating in an organised criminal group.[5]

[2] Mr Mateparae appeals his convictions on the following grounds:

(a) the Judge erred in her directions that a transition of cash from one person to another amounts to concealment for the purposes of the offence of engaging in a money laundering transaction;

(b) the jury's verdicts were unreasonable having regard to the evidence at trial; and

(c) there has been a miscarriage of justice as a result.

[3] Mr Millar appeals his convictions on the following grounds:

(a) the Judge erred in relation to the essential elements of the charge of money laundering, namely finding that the handling of cash as proceeds of drug offending amounted to a money laundering transaction without more;

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1 Two charges pursuant to s 243(2) of the Crimes Act 1961 for which the maximum penalty is seven years' imprisonment, and one charge pursuant to s 243(3) for which the maximum penalty is five years' imprisonment.
2 Misuse of Drugs Act 1975, s 6(1)(c) and (2)(a). The maximum penalty is life imprisonment.
3 Section 6(1)(f) and (2)(a). The maximum penalty is life imprisonment.
4 Crimes Act, s 243(2). The maximum penalty is seven years' imprisonment.
5 Section 98A. The maximum penalty is 10 years' imprisonment.

(b) the trial Judge erred when directing the jury in summing up and in particular relating to the caution required in relation to the evidence of a co-offender who gave evidence for the Crown;

(c) the trial verdicts cannot be reasonably justified having regard to the evidence; and

(d) there has been a miscarriage of justice.

[4] These appeals were heard together.

Background

[5] The background was largely undisputed and can be adopted from the Judge's sentencing notes for each appellant.[6]

[6] In October 2018, the police commenced an investigation known as Operation Maddale, which centred on the importation and distribution of methamphetamine. That operation terminated on 7 August 2019. The focus of that operation was the activities of a car yard in New Lynn being run by Mr Worsley and Mr James.

[7] The police conducted visual surveillance and obtained information through production orders. Between 6 November 2018 and 29 July 2019, numerous suitcases and other bags and packages were observed arriving and sometimes leaving that car yard, carried by several different individuals. The police identified, that in addition to legitimate car dealing activities, Mr Worsley and Mr James were involved in dealing Class A drugs.

[8] There were distribution channels both to Christchurch and to Wellington for drugs that came out of the car yard and money that would go back to the car yard. In relation to both the Wellington and Christchurch supply chains, methamphetamine would be hidden in compartments of vehicles and driven down, and large quantities

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6 *R v Mateparae* [2024] NZDC 22639 at [3]–[14]; and *R v Millar* [2204] NZDC 23096 at [8]–[22].

of cash would come back either carried on aircraft or in cars. There were links with the car yard which indicated supply to various gang members from the Head Hunters MC and the Comanchero MC.

Mr Millar's involvement

[9] The involvement of Mr Millar, who was old friends with Mr Worsley, began in November 2018. At that time, Mr Worsley was holidaying overseas in Mexico and the United States with Mr James. Mr Millar had agreed to look after the warehouse, as he had done before. On 19 November 2018, Mr Worsley was communicating with Mr Millar by way of Facebook Messenger. Mr Worsley communicated with Mr Millar to arrange for him to collect cash. Mr Millar received a suitcase from Mr Tereora (a convicted member of the syndicate) that contained cash and left the address.

[10] Later that day, Mr Millar came back to the car yard and met Mr Slaimankhel (another convicted member of the syndicate) who was carrying a bag containing cash which he left at the address. Throughout that same day, Mr Millar was continuing to communicate with Mr Worsley.

[11] Mr Millar then received a phone call from Mr Lal (another convicted member of the syndicate), and left the car yard and drove up the road to Mr Lal's panel beating business. When Mr Millar arrived back, he removed a black suitcase containing cash from the vehicle. After that, Mr Ji (another convicted member of the syndicate, referred to in the trial as "the money man") arrived and Mr Millar assisted him with putting the suitcases that had been brought by Mr Tereora, the bag from Mr Slaimankhel and the suitcase from Mr Lal's premises into his car. Mr Ji took the bags and drove away.

[12] On 19 December 2018, Mr Worsley organised for Mr Millar to make a drive from Auckland to Christchurch. Mr Worsley said that Mr Millar was paid about $4,000 to $5,000 per trip. Mr Millar's evidence was that he was paid approximately $1,500.

[13] Mr Millar met with Mr Worsley and Mr James. He then left the car yard and arrived back the next day. Mr James and Mr Worsley instructed him to drive a

red Lancer to Christchurch. Concealed in this vehicle was an unknown amount of methamphetamine. Mr Millar drove the car to Christchurch and parked the car outside Mr Tereora's house. After termination, that car was searched and the concealed compartments were located.

[14] On 24 January 2019, Mr Millar came to the car yard and spoke with Mr Worsley and Mr James. He left the address in a Toyota Caldina, drove from Auckland to Christchurch and dropped the vehicle to Mr Tereora. That vehicle contained an unknown quantity of methamphetamine. Mr Millar was then dropped at the airport by Mr Tereora. He was given a suitcase by Mr Tereora that had cash in payment for the methamphetamine supplied. Mr Millar arrived in Auckland, drove to the car yard and gave the suitcase to Mr James.

[15] On 17 February 2019, Mr Millar flew to Christchurch and drove Mr Tereora's vehicle, a Nissan Tiida back to Auckland. Mr Worsley had arranged for Mr Millar to drive the car back to Christchurch with a consignment of methamphetamine, concealed in the body panels of the car. The methamphetamine was transported to Mr Tereora.

[16] On 27 February 2019, Mr Millar flew from Auckland to Wellington. The purpose of this trip was to pick up cash and bring it back to Mr James. Mr Millar did not check in any luggage on his way to Wellington. In Wellington, he met with a person. On the way back from Wellington, he checked in a bag that weighed six kg. He then met Mr James at the airport and gave him that bag.

[17] On 19 and 20 March 2019, Mr Worsley had arranged for Mr Millar to be the driver of a delivery of methamphetamine to Christchurch. He picked up the methamphetamine with Mr Worsley. It weighed approximately six-and-a-half kg. Mr Worsley gave him instructions on where to drop it off. Mr Millar left the vehicle with the methamphetamine in it overnight at the car yard while he went to Whangārei (for a work commitment). He returned and drove down to Christchurch. He was under covert police surveillance. He was stopped and searched by police, and found to be in possession of a small amount of methamphetamine and a pipe. He was arrested.

Police searched the vehicle and initially found no drugs but upon x-raying the vehicle, the six-and-a-half kg of methamphetamine was located in the rear bumper.

Mr Mateparae's involvement

[18] Mr Mateparae, who had known Mr James for many years, was employed at the car yard as a yard hand. He was paid $30 an hour.

[19] On 7 March 2019, he travelled from Auckland to Wellington to collect a suitcase. That suitcase contained cash that was the proceeds of drug dealing and was delivered to Mr James at the car yard. What Mr Mateparae did was recorded on CCTV. There was no evidence of the actual quantity of money that was in that suitcase.

[20] On 19 March 2019, Mr Mateparae again travelled to Wellington to collect cash and brought it back to Auckland in order to assist Mr James. Mr Mateparae was seen on CCTV travelling from Auckland to Wellington and his movements were captured showing whom he met. Upon return at Auckland Airport, the police covertly searched his bag and located cash that was wrapped up in his luggage. It was not counted at the time and the quantum is unknown.

[21] On 14 May 2019, a vehicle Mr Mateparae was driving in Wellington was searched. Police discovered $190,170 in a suitcase in the boot of that vehicle, with $4,975 located on Mr Mateparae. At the time of the search, he explained to police that he was collecting cash for his employer and stated that it was for vehicle sales.

Approach on appeal

[22] We must allow the appeals against convictions if, for any reason, a miscarriage of justice has occurred.[7] A miscarriage of justice means:[8]

> … any error, irregularity, or occurrence in … the trial that—
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> (a) has created a real risk that the outcome of the trial was affected; or
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> (b) has resulted in an unfair trial or a trial that was a nullity.

Issues

[23] The issues in these appeals are:

(a) whether the Judge's direction in relation to Mr Worsley's motive to lie was adequate;

(b) whether the Judge erred in directing the jury about the elements of the offence of engaging in a money laundering transaction; and

(c) whether the jury's verdicts were unreasonable.

Motive to lie / reliability warning

[24] This ground of appeal advanced by Mr Millar concerns the evidence of Mr Worsley. Mr Mansfield KC, for Mr Millar, summarised Mr Worsley's position and how it was dealt with by the parties at trial as follows:[9]

> One of the ringleaders of the group, Mr Worsley, cut a deal with the Crown and gave evidence against the others who he encouraged to assist him and Mr James. He did that selfishly for his own advantage.
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> Originally facing 27 charges, Mr Worsley eventually only needed to plead guilty to 13 charges in exchange for the other 14 being withdrawn. Using as a reference point the exhibits the police had gathered during their surveillance, as his own memory had been impacted by his own heavy consumption of methamphetamine, he provided a statement which implicated the other defendants. But not Mr James, as by then he had been allowed to leave

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7 Criminal Procedure Act 2011, s 232(2).
8 Section 232(4).
9 Footnotes omitted.

> New Zealand and did not return. At his sentencing, the Crown quite generously agreed that he should receive a 25 per cent discount for his guilty pleas, and he was further rewarded with a discount of 6 years for his cooperation and willingness to give evidence. All up, his end sentence of four years paled in comparison to both the starting point of 16 years and what he was facing when first charged. Especially given he was one of two primary figures in this group and had enlisted his friend Mr Millar to be involved, a man he knew at that time needed extra money, rewarding him with little for the risk he had him face.
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> Naturally, Mr Worsley was cross-examined about his motives for giving evidence for the Crown. Suggesting he was motivated purely by self-interest and teasing out the nature and extent of the benefits he secured. It was shown that with help he had only served two years of his sentence and was — at the time of giving evidence — on parole. Remembering Mr Millar never denied a role, he just denied that he did so knowingly or willingly. Mr Worsley just had to say he did. It could not have [been] easier for him when so motivated by self-gain.
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> The Defendants and the Crown then addressed this issue when closing, the Crown advancing Mr Worsley as someone who had made a difficult decision to do the right thing, the Defendants painting him as an opportunistic and untrustworthy mastermind who had duped others earlier also for his own gain.

[25] Mr Mansfield submitted that the Judge was required to go further than a brief recap of the arguments explored in cross-examination and advanced in the closing addresses. He submitted the Judge needed to give a judicial direction of the required caution that needed to be applied before any reliance was placed on Mr Worsley's evidence. The Judge needed to fully explain to the jury the nature and extent of Mr Worsley's potential motive to lie, including that the motive was still very much alive when he was giving evidence, because if he did not follow through and give evidence consistent with his statement the Crown could have requested an appeal be brought after trial and his sentence increased. He added that co-defendants are uniquely placed to give evidence against others which appears reliable but is in fact false because of their intimate knowledge of what occurred.

[26] Under s 122 of the Evidence Act 2006 a Judge may (but is not required to) warn a jury of the need for caution in deciding:[10]

(a) whether to accept evidence which may be unreliable; and

(b) the weight to be given to that evidence.

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[10] Evidence Act 2006, s 122(1).

The section requires a Judge to consider giving such a warning where a witness may have a motive to give false evidence prejudicial to a defendant.[11] It is not necessary for a Judge to use a particular form of words in giving the warning.[12]

[27] This Court's recent decision on this issue is *Brar v R*.[13] In *Brar*, no direction was given by the trial Judge in relation to a cooperating witness's evidence against the defendant. The Court found no error in that approach because the Crown and the defendant's counsel had made clear the issues relating to the witness's credibility and motives in evidence and addresses.[14]

[28] As Mr McMullan for the respondent submits, this case is similar at least insofar as issues relating to Mr Worsley's credibility and motives were addressed extensively throughout the trial in:

(a) Messrs Millar and Mateparae's opening statements;

(b) Mr Millar's opening address;

(c) cross-examination;

(d) the Crown's closing address; and

(e) Messrs Millar and Mateparae's closing addresses.

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11 Section 122(2)(c).
12 Section 122(4).
13 *Brar v R* [2025] NZCA 265.
14 At [12] and [16]–[18].

[29] In this case, however, the Judge's summing up also included the following directions:

> In this case, both the credibility and the reliability of Mr Worsley is very much in contention. On behalf of each defendant, counsel has submitted to you first that Mr Worsley is not credible, that he is lying because he has a reason to lie, and that reason was to help himself secure a lenient sentence. Second, the defence say that Mr Worsley is an unreliable witness for a number of reasons, including his heavy consumption of drugs and alcohol at the time of these events, combined with the time that passed in making his first statement to the police and then giving evidence to you.
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> …
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> Before we start on the question trails, I am going to talk to you at this point a little more about Bradley Worsley, and that is because a significant portion of the Crown case depends upon the evidence of Mr Worsley, and this will become apparent as I discuss the question trails, and as I'm sure you're already aware. And that is because the Crown case depends in many respects about what Mr Worsley said about each defendant's knowledge or participation, and that is where the issue centres.
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> Now there is no dispute that as a result of making a statement to the police, Mr Worsley negotiated with the prosecution and received significant allowances to his sentence after he pleaded guilty. You have heard that 14 of 27 charges were withdrawn by the Crown and Mr Worsley was taken in detail in the evidence through the allowances that he received in his sentence.
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> When a person is sentenced, there may be some agreement between the prosecution and their lawyer as to a range of appropriate allowances or discounts for things such as guilty plea or assistance with the prosecution. There are previous cases that set out guidance for the sentencing Judge and inform the lawyers about this range as to possible allowances and the amount. However, at the end of the day, it is always a matter for the sentencing Judge to determine the sentence that is imposed upon a defendant.
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> Now, each defendant submits to you that the allowances received by Mr Worsley amount to a compelling motive for him to lie to you. That is strongly rejected by the Crown. As in all factual matters, this is a matter for you. You must consider carefully and cautiously, however, this aspect of the background to Mr Worsley giving evidence in considering whether or not you accept his evidence and the weight that you give to his evidence.
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> I will talk to you about the Crown and defence positions on Mr Worsley. All lawyers addressed you in some detail about Mr Worsley, and I'm certainly not going to repeat that detail, but will provide you with my summary.
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> Now, the Crown submits to you that there was no need for Mr Worsley to name these three defendants in order to receive the benefits that you have heard about. The Crown suggests that you look at all of those who have pleaded guilty in relation to events at [the car yard], the timing of the guilty pleas and the timing of Mr Worsley signing his statement on the 1st of March 2021.

> The Crown further submits to you that Mr Worsley did not needlessly exaggerate his evidence about the defendants with scattergun allegations. The Crown submitted that although Mr Worsley obviously lied to his mother in the phone call that you heard, you might expect that in the circumstances and, in any event, suggested to you that he was not a very good liar who did not seem to convince his mother on that call.
>
> On the other hand, the defence spoke at length to you about issues with Mr Worsley's evidence. All endorsed the comprehensive submissions of Mr Mansfield.
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> Mr Mansfield characterised Mr Worsley as a selfish and consummate used car salesman who simply lied, used, and betrayed his friends for his own benefit. He questioned the time it took Mr Worsley to approach the police, sign his statement, and plead guilty. He questioned Mr Worsley's reliability given the way his statement was made with reference to footage, and his lifestyle at the time of the events in respect of the drug taking and the drinking.

[30] It is unnecessary to decide whether a s 122 direction was required in this case because we consider the Judge's directions on this issue were more than adequate. The Judge not only addressed the competing narratives in relation to motive to lie; she also said the jury "must consider carefully and cautiously, however, this aspect of the background to Mr Worsley giving evidence in considering whether or not you accept his evidence and the weight that you give to his evidence".

[31] We do not consider s 122 required the Judge to say to the jury that Mr Worsley could be re-sentenced if he did not provide assistance and that evidence of an accomplice is inherently unreliable. The case of *Kahia v R*, relied on by Mr Mansfield, was different.[15] In that case, a Crown witness had been granted immunity. While this fact was known to the jury, the effect of immunity was not made clear—the witness needed to stick to his account in order to avoid future prosecution.[16] As this Court said in *Brar*, immunity "is likely to be more difficult for a jury to understand than a sentence discount which has already been given".[17]

[32] We accept that care is needed if referring to the role of the sentencing Judge where the witness has pleaded guilty, to avoid implying that the sentencing Judge has had some role in assessing the credibility or reliability of the evidence now being given adverse to the defendant. But here, the Judge indicated only that the sentencing Judge

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15 *Kahia v R* [2022] NZCA 381.
16 At [3] and [107].
17 *Brar v R*, above n 13, at [21].

determined Mr Worsley's sentence without implying that involved any assessment of Mr Worsley's evidence in this trial. It was unnecessary to say expressly that determining Mr Worsley's sentence reduction did not involve any assessment of that evidence and the jury were the first fact finders in that respect. It was clear that it was for the jury to make such an assessment.

[33] We also observe that, as Mr McMullan submitted, the jury cannot have uncritically adopted Mr Worsley's evidence. It found Mr Rauhihi, a co-defendant in respect of whom little Crown evidence existed beyond Mr Worsley's statements, not guilty. By contrast, there was other evidence against Messrs Millar and Mateparae, independent of Mr Worsley's evidence.

Money laundering

[34] The basis of the Crown case on the money laundering charges against Messrs Mateparae and Millar was that, knowing the cash was the proceeds of drug sales, they "dealt" with it when transporting it from one city to another and off-loading it to the supplier, namely Messrs Worsley or James.[18] The Crown asked the jury to draw a logical inference that the cash was eventually concealed by them or the "money man".

[35] While the Judge had refused to dismiss the money laundering charges under s 147 of the Criminal Procedure Act 2011 at the conclusion of the Crown case, she accepted that merely transporting cash from one location to another, or to another person, may not amount to concealing. However, the Judge considered there was sufficient evidence—if accepted—for the jury to find that the defendants had dealt with the cash in a way that enabled others to conceal it (and that it had been concealed).[19]

[36] Mr Mansfield submitted the Judge was wrong to decline the applications to dismiss the money laundering charges as there was no evidence as to what happened to the cash from the point after the appellants off-loaded it. He also submitted that

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18 See Crimes Act, s 243 definition of "deal with".
19 *R v Millar* [2024] NZDC 13131 at [23]–[24].

being a mere courier of cash between the purchaser and supplier in a drug transaction is insufficient to attract liability for money laundering as the offence requires that there be a connection between any dealing with the cash and the concealment. He submitted that receiving payment was not itself concealment and there was no evidence that Mr Millar enabled someone else to conceal any property. He submitted the statutory intention was to capture wrongdoing beyond the drug transaction itself.

[37] Mr Teppett, for Mr Mateparae, also submitted the Judge erred in directing the jury that transferring possession of the cash was sufficient for them to find Mr Mateparae guilty of money laundering if they were satisfied that by transferring possession of the cash, he enabled another person to "conceal" it, and the cash was "concealed." He submitted that by directing the jury in this way the Judge effectively made money laundering under s 243(2) a strict liability offence as it criminalised transitory possession of cash without a person knowing what the recipient was going to do with the cash. He submitted the person's actions must be undertaken with the intention of enabling concealment in order to be liable.

[38] Section 243 of the Crimes Act 1961 provides:

> **243 Money laundering**
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> (1) For the purposes of this section and sections 243A, 244 and 245,—
>
> **act** includes an omission
>
> **conceal**, in relation to property, means to conceal or disguise the property; and includes, without limitation,—
>
> (a) to convert the property from one form to another:
>
> (b) to conceal or disguise the nature, source, location, disposition, or ownership of the property or of any interest in the property
>
> **deal with**, in relation to property, means to deal with the property in any manner and by any means; and includes, without limitation,—
>
> (a) to dispose of the property, whether by way of sale, purchase, gift, or otherwise:
>
> (b) to transfer possession of the property:
>
> (c) to bring the property into New Zealand:
>
> (d) to remove the property from New Zealand

interest, in relation to property, means—

(a) a legal or equitable estate or interest in the property; or

(b) a right, power, or privilege in connection with the property

offence means an offence (or any offence described as a crime) that is punishable under New Zealand law, including any act, wherever committed, that would be an offence in New Zealand if committed in New Zealand

proceeds, in relation to an offence, means any property that is derived or realised, directly or indirectly, by any person from the commission of the offence

property means real or personal property of any description, whether situated in New Zealand or elsewhere and whether tangible or intangible; and includes an interest in any such real or personal property.

(2) Subject to sections 244 and 245, every one is liable to imprisonment for a term not exceeding 7 years who, in respect of any property that is the proceeds of an offence, engages in a money laundering transaction, knowing or believing that all or part of the property is the proceeds of an offence, or being reckless as to whether or not the property is the proceeds of an offence.

(3) Subject to sections 244 and 245, every one is liable to imprisonment for a term not exceeding 5 years who obtains or has in his or her possession any property (being property that is the proceeds of an offence committed by another person)—

(a) with intent to engage in a money laundering transaction in respect of that property; and

(b) knowing or believing that all or part of the property is the proceeds of an offence, or being reckless as to whether or not the property is the proceeds of an offence.

(4) For the purposes of this section, a person engages in a money laundering transaction if, in concealing any property or by enabling any person to conceal any property, that person—

(a) deals with that property; or

(b) assists any other person, whether directly or indirectly, to deal with that property.

(4A) Despite anything in subsection (4), the prosecution is not required to prove that the defendant had an intent to—

(a) conceal any property; or

(b) enable any person to conceal any property.

(5) In any prosecution for an offence against subsection (2) or subsection (3),—

(a) it is not necessary for the prosecution to prove that the defendant knew or believed that the property was the proceeds of a particular offence or a particular class of offence:

(b) it is no defence that the defendant believed any property to be the proceeds of a particular offence when in fact the property was the proceeds of another offence.

(6) Nothing in this section or in sections 244 or 245 limits or restricts the operation of any other provision of this Act or any other enactment.

(7) To avoid doubt, for the purposes of the definition of offence in subsection (1), New Zealand law includes, but is not limited to, the Misuse of Drugs Act 1975.

[39] Under s 243(4), a person engages in a money laundering transaction if, in concealing any property or enabling concealment, that person deals with that property or assists any other person to deal with that property. The prohibited act involves both concealment and dealing, albeit both terms have broad, inclusive definitions. The words "in concealing any property or by enabling any person to conceal any property" apply to the dealing. So we accept concealment and dealing must be related. However, we make two points. First, in the case of enabling concealment, the relationship is that the dealing *enables* concealment, not that it *causes* concealment.

[40] Secondly, it is clear from s 243(4A) that no intent to enable any person to conceal the property is required. Section 243(4A) was inserted by s 13 of the Crimes Amendment Act 2015 which also amended s 243(4) by replacing the words "for the purpose of concealing any property or enabling another person to conceal any property" with what s 243(4) now requires: "in concealing any property or by enabling any person to conceal any property". This amendment was made to ensure compliance with New Zealand's international obligations.[20] As a result, the offence no longer requires that concealment be the purpose of the dealing, as this Court had said in *R v Rolston*, under the similarly worded (now repealed) s 12B of the Misuse of Drugs Act 1975.[21]

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[20] Organised Crime and Anti-corruption Legislation Bill (219—1) (explanatory note) at 2. See also the Financial Action Task Force *Mutual Evaluation Report — Anti-Money Laundering and Combating the Financing of Terrorism*: *New Zealand* (October 2009) at [143].

[21] *R v Rolston* [2008] NZCA 431 at [105].

[41] That does not make the offence one of strict liability. Section 243(2) requires that the individual engaging in a money laundering transaction does so "knowing or believing that all or part of the property is the proceeds of an offence, or being reckless as to whether or not the property is the proceeds of an offence". The offence under s 243(3) also requires intent.[22]

[42] Mr Mansfield has submitted that individuals who transfer cash cannot be held liable for money laundering. As we have stated above at [39], it is sufficient for the act of dealing to enable the act of concealing. The act of transporting cash from one location to another falls squarely within the definition of "deal with", which includes transferring possession of property. This then leaves the question of whether, in transporting the cash, Messrs Mateparae and Millar enabled any person to conceal the cash either knowing or believing that all or part of the cash is the proceeds of an offence, or with the intention to transfer the cash to enable concealment. If there is sufficient evidence to show that the transportation of cash in this case enabled concealment, then, if the requisite knowledge or intention is made out, the elements of the offence in s 243(2) and (3) can be satisfied through the transfer of cash. The issue of whether there was sufficient evidence to find that any such transfer of cash enabled concealment is then a separate consideration discussed below.

[43] Couriers of cash between drug purchaser and dealer—who are dealing with the cash—will engage in a money laundering transaction if they conceal the cash themselves or enable its concealment by any other person. Participating as an intermediary inserted to separate or distance the dealer from the drug transaction may itself amount to enabling concealment. In any event, for the offence to be committed, mens rea in terms of either subss (2) or (3) is required.

[44] It was to the appellants' advantage that the basis on which the Judge directed the jury to consider whether they engaged in a money laundering transaction was whether they enabled another person to conceal the property. That effectively took away from the jury the need to consider whether Messrs Mateparae and Millar themselves concealed the cash.

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22 Crimes Act, s 243(3)(a).

[45] The Judge's directions do not give rise to a miscarriage.

[46] Before leaving this issue, we also note that *R v Tritar* does not assist the appellants in this case.[23] In that case, Lang J considered that concealment for the purposes of a charge of money laundering does not occur where money acquired by way of criminal activity is spent on living expenses.[24] In *Toleafoa v R,* this Court suggested that Lang J "appeared to be referring to everyday spending of ill-gotten profits", but ultimately determined that even if there were such an exception, it could not apply to the facts of that case.[25] As in *Toleafoa v R*, it is unnecessary for us to comment on the scope of any "living expenses" exception (if any) to the money laundering provisions.[26]

Whether the verdicts were unreasonable

[47] The final issue is whether there was sufficient evidence to show that someone actually concealed the cash after Messrs Millar and Mateparae delivered it to the car yard, which they enabled by transporting the cash they did. In other words, whether the verdicts were unreasonable.

[48] As this Court said recently in *Pora v R*:[27]

> [10] Where an appeal is brought on the ground of unreasonable verdict, the appellate court does not review the evidence and decide what verdict it thinks is reasonable.[28] The appellate court's role is to decide whether the jury's verdict was reasonably available to it, given that it is for the jury to decide what evidence it accepts and what weight should be given to individual pieces of evidence.[29] This makes for a high threshold between an appellant and a finding of an unreasonable verdict.

[49] Mr Mansfield submitted there had to be evidence of concealment by someone else for there to be a finding of "enabling" concealment—and here there was no evidence. He submitted that Mr James had gone and there was no evidence that Mr Millar had any involvement in concealing—Mr Worsley's evidence did not go far

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23 *R v Tritar* [2021] NZHC 1591.
24 At [24].
25 *Toleafoa v R* [2024] NZCA 517 at [52].
26 At [52].
27 *Pora v R* [2025] NZCA 255 at [10].
28 *R v Owe*n [2007] NZSC 102, [2008] 2 NZLR 37 at [13(a) and (f)].
29 At [13(b)–(c) and (e)].

enough in relation to funds received by Mr Millar. The jury could not speculate what happened to the cash.

[50] Mr Teppett emphasised that Mr Mateparae was just a "lackey" at the car yard and similarly submitted that evidence that Mr Mateparae carried and passed cash to Messrs James and Worsley as part of a drug transaction did not suffice. He submitted there needed to be evidence of what happened to the cash in a specific identifiable transaction.

[51] We consider there was sufficient evidence that the appellants enabled concealment. Although there was no direct evidence about what had happened in relation to any particular sum moved by Messrs Millar or Mateparae, it was open to the jury to infer that all or part of each sum was concealed by Messrs Worsley, James or Ji once the appellants had transported it to the car yard. We accept and adopt the three points made in the respondent's submissions on this issue.

[52] First, the offending occurred in the context of a sophisticated drug dealing syndicate that dealt with significant quantities of methamphetamine, involving cash proceeds in excess of $4 million. There were also multiple operators involved who were receiving payments for their services. It was therefore open to the jury to infer that an operation of this scale would require cash proceeds to either be distributed to the operators or kept by Mr James.

[53] Secondly, Mr Worsley gave evidence that there was an individual involved in the syndicate, Mr Ji, whose role was specifically to distribute funds. Mr Worsley described Mr Ji's role in the following way:

> … he took the suitcase, the money, um, and he did what he had to do with it and I guess distributed money to whoever needed it, but yeah, that was — I didn't have too much, I didn't — I wasn't very privy to what he did after the fact.
>
> …
>
> All I know is he takes the money … and he disburses it, so he was the money, one of the money guys.

[54] Thirdly, when police terminated Operation Maddale and searched the car yard, they found no cash at the address. Additionally, no other cash was found by police that could be traced to the appellants' conduct. Overall, as summarised by Mr McMullan:[30]

> In those circumstances, in each case the funds transported by Messrs Millar and Mateparae were removed from [the car yard]. Possession was transferred from Mr Worsley (who was responsible for the car yard) to Mr Ji, Mr James or someone else. Mr Ji's sole job was to thereafter distribute the funds he collected. Mr James was the head of a drug-dealing syndicate dealing in methamphetamine worth "millions and millions of dollars". Even on Mr Millar's limited conception of a money laundering transaction, this distribution involved the transfer of ownership of the cash to others. There was, therefore, sufficient evidence on which to infer that Messrs Millar and Mateparae enabled another—Messrs Worsley, Ji or James—to conceal the cash, as that term is defined in s 243.

[55] We add that the jury were told Mr Worsley had pleaded guilty to five charges of money laundering.

Conclusion

[56] None of the grounds of appeal, individually or in combination, give rise to a miscarriage of justice.

Result

[57] The appeals are dismissed.

Solicitors:
Crown Solicitor, Auckland for Respondent

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30 Footnotes omitted.