

**CASE NOTE:  
THE NETHERLANDS**

CASE CITATION:  
**LJN BV4738 (appeal in cassation re Arnhem  
Appeal Court, 16 June 2010, LJN: MB8100)**

NAME AND LEVEL OF THE COURT:  
**Supreme Court**

DATE OF DECISION:  
**3 July 2012**

*Automatic Number Plate Recognition (ANPR)  
data; improperly obtained evidence; lack of  
reasoning for the decision by the Appeal Court*

The Arnhem Appeal Court acquitted the accused in this case of 21 out of 22 counts, charged after it decided to exclude evidence on the grounds that the ANPR evidence had been obtained improperly. The Appeal Court found that there was an irreparable noncompliance with procedural requirements under article 359a paragraph 1 of the Netherlands Code of Criminal Procedure. The Public Prosecutions Service appealed in cassation.

The Supreme Court concludes that insufficient grounds had been stated for the Appeal Court judgment that an important procedural requirement or legal principle was violated substantially as a result of how evidence was gathered. The Supreme Court quashes the contested judgment and refers the case back to the Leeuwarden Appeal Court.

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