



## Supreme Court of New Zealand

26 November 2009

### **MEDIA RELEASE – FOR IMMEDIATE PUBLICATION**

**Peter David Buddle v The Queen**  
**(SC 43/2009)**  
**[2009] NZSC117**

### **PRESS SUMMARY**

**This summary is provided to assist in the understanding of the Court's judgment. It does not comprise part of the reasons for that judgment. The full judgment with reasons is the only authoritative document. The full text of the judgment and reasons can be found at [www.courtsofnz.govt.nz](http://www.courtsofnz.govt.nz).**

Mr Buddle's appeal against conviction was dismissed by the Court of Appeal. He appealed to the Supreme Court on the grounds that the trial Judge had been wrong to decline to take Not Guilty Verdicts which the jury indicated it had reached on certain counts. The trial Judge declined to do so because the jury were unable to reach unanimous agreement on counts which were alternative to the counts on which the jury was unanimously of the view that Mr Buddle was not guilty. The Judge discharged the jury without taking any verdicts and, on his retrial, Mr Buddle was convicted on the counts in respect of which the first jury had been unanimously of the view he was not guilty.

This Court (by a majority, Blanchard J dissenting) has held that the Judge was obliged to accept the not guilty verdicts at the first trial and that it was therefore an abuse of process to try Mr Buddle again on those counts. A substantial miscarriage of justice has arisen and the appeal should be allowed. Associated counts at the second trial were infected by the improper presence of the not guilty counts and there must be a retrial on them.

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