



**Supreme Court of New Zealand
Te Kōti Mana Nui**

8 NOVEMBER 2019

MEDIA RELEASE

PETER HUGH McGREGOR ELLIS v THE QUEEN

(SC 49/2019)

CASE HISTORY SYNOPSIS

This synopsis is provided to assist in understanding the history of the case and the issues to be heard by the Court. It does not represent the views of the panel that will hear the appeal in the Supreme Court. Given the breadth and complexity of the issues raised in the proceeding it involves some simplification and addresses only the major points in issue. The synopsis does not comprise part of the reasons for the judgments of the lower Courts. The full judgments with reasons are the only authoritative documents and can be found at www.courtsofnz.govt.nz

Suppression

Please note that the publication of the names or identifying particulars of the complainants and child witnesses under the age of 17 is prohibited by ss 139 and 139A of the Criminal Justice Act 1985.

Background

Mr Ellis was convicted on 16 charges of sexual offending against seven children in 1993. The complainants attended the Christchurch Civic Childcare Centre where Mr Ellis was employed.

Mr Ellis appealed twice to the Court of Appeal, the second time after a referral by the Governor-General. The first appeal quashed three of the convictions. The second appeal against the remaining 13 convictions was dismissed in 1999.

Mr Ellis applied to the Supreme Court for leave to appeal against his convictions in June 2019. Mr Ellis also applied for an extension of time to make the application for leave to appeal. The Crown opposed both applications.

The Supreme Court gave Mr Ellis an extension of time to apply for leave to appeal and granted leave in *Ellis v R* [2019] NZSC 83. Shortly thereafter, Mr Ellis passed away.

Hearing

The hearing set down for 14 November 2019 is limited to the question of whether or not the appeal should continue despite Mr Ellis' death. It is not dealing with the appeal.

Both the appellant and the Crown accept there is jurisdiction for this Court to allow an appeal to proceed despite the death of an appellant. It is also accepted that an appeal does not automatically proceed if an appellant has died. The hearing will concentrate on the circumstances in which an appellate court may allow an appeal to proceed despite the death of an appellant. It will also consider whether in the present case the appeal should continue in light of those principles.

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