



Supreme Court of New Zealand

15 May 2008

MEDIA RELEASE – FOR IMMEDIATE PUBLICATION

**Jason John Cumming v The Queen
SC 72/2005
[2008] NZSC 39**

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 Judicial Decisions of Public Interest www.courtsofnz.govt.nz

The Supreme Court has allowed this appeal by Mr Cumming against his convictions for serious sexual offences. At trial, Mr Cumming defended himself. He did so in an extremely aberrant and self-damaging manner. His behaviour was the subject of numerous psychological reports. Further reports were requested by the Supreme Court. The issue on this appeal was whether Mr Cumming's convictions ought to be quashed on the grounds that a miscarriage of justice was occasioned by his mental condition.

The Supreme Court has unanimously allowed the appeal, holding that by reason of mental disorder, Mr Cumming was under a disability. As a result, there was a substantial miscarriage of justice. The appeal has been allowed, the convictions set aside, and a new trial ordered.

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