



## Supreme Court of New Zealand

21 October 2011

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

#### **WARREN BRUCE FENEMOR v THE QUEEN (SC 60/2011) [2011] NZSC 127**

#### **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 Fenemor appealed against his conviction for indecently assaulting a seven-year-old girl. The ground of his appeal was that evidence suggesting he had done something similar to two other girls some 12 years earlier had been wrongly admitted at his trial. The point on which that contention was based was that Mr Fenemor had been acquitted on the charge laid in respect of one of the earlier complainants. No charge had been laid in respect of the other previous complainant but she had given evidence in support of the charge on which Mr Fenemor was acquitted.

The Supreme Court has unanimously held that the challenged evidence was rightly admitted. There was nothing unfairly prejudicial to Mr Fenemor in its being given again, despite his earlier acquittal, and it was otherwise admissible pursuant to s 43 of the Evidence Act 2006 as propensity evidence. The evidence did not put Mr Fenemor in jeopardy again in respect of the earlier charge on which he was acquitted. Its purpose was to support the present complainant's evidence and to put her allegations in a wider context.

Mr Fenemor's appeal was therefore dismissed.

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