

SHANE DANIEL HANNIGAN

v

THE QUEEN

Court: Blanchard, William Young and Chambers JJ

Counsel: J M Ablett-Kerr QC for Applicant
L C Preston for Crown

Judgment: 30 May 2012

JUDGMENT OF THE COURT

A Leave to appeal is granted.

B The approved ground is whether the way in which Kirsty Hannigan was re-examined led to a substantial miscarriage of justice.

REASONS

[1] We grant leave only with respect to the second ground of appeal, which concerns the way in which the prosecutor led evidence of a previous statement given by the witness, Kirsty Hannigan.

[2] We decline leave on the first ground of appeal. We see nothing amiss in the Court of Appeal's analysis of the trial court's role on the admission of propensity evidence in circumstances where the defence does not object to its admission (as was

the case here).¹ The evidence relating to the earlier fires was clearly admissible under s 43 of the Evidence Act 2006. There was no good reason for the Judge to give a “propensity evidence” direction in the context of this trial. The proposed arguments on the first ground have no chance of success.

Solicitors:
Crown Law Office, Wellington

¹ *Hannigan v R* [2012] NZCA 133 at [13].