

**NOTE: PUBLICATION OF NAME(S) OR IDENTIFYING PARTICULARS
OF COMPLAINANT(S) PROHIBITED BY S 139 CRIMINAL JUSTICE ACT
1985, AND PUBLICATION OF NAME OR IDENTIFYING PARTICULARS
OF THE INDOOR PLAYGROUND AT WHICH THE OFFENDING TOOK
PLACE PROHIBITED BY ORDER OF DISTRICT COURT.**

IN THE SUPREME COURT OF NEW ZEALAND

**SC 51/2012
[2012] NZSC 79**

CHRISTOPHER EDWARD HUGGINS

v

THE QUEEN

Court: McGrath, William Young and Chambers JJ

Counsel: S D Patel for Applicant
P D Marshall for Crown

Judgment: 25 September 2012

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] The applicant was found guilty of doing an indecent act on a child under 12 years of age. His appeal against conviction was dismissed by the Court of Appeal¹ and he now seeks leave to appeal to this Court.

¹ *Huggins v R* [2012] NZCA 261.

[2] In the immediate aftermath of the offending, the applicant was taxed with the very damaging and difficult to explain fact that what turned out to be his semen was on the shirt of the 5 year old victim. His responses were characterised by the Court of Appeal as “lying and dissembling”. In the opinion of that Court, this “contributed to a cogent circumstantial case”. It is this aspect of the Court of Appeal’s judgment which is challenged by the proposed appeal.

[3] We entirely agree with the Court of Appeal’s characterisation of the applicant’s conduct. As well, the applicant’s inability to give an innocent explanation for the state of the victim’s shirt obviously contributed to the case against him – a case which was, in any event, cogent to say the least.

[4] The proposed appeal does not come close to meeting the criteria specified in the Supreme Court Act 2003 and the application should, accordingly, be dismissed.

Solicitors:
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