



Supreme Court of New Zealand | Te Kōti Mana Nui o Aotearoa

16 June 2021

MEDIA RELEASE

This media release and the judgment were embargoed until 10 am on Wednesday 16 June 2021.

PETER HUGH MCGREGOR ELLIS v THE QUEEN

(SC 49/2019) [2021] NZSC 63

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.

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. The order prohibiting publication of names or identifying particulars of the complainant, her family members and her boyfriend remains in force.

Introduction

Mr Ellis was convicted on 16 charges of sexual offending against seven children in 1993. He 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 was granted leave to appeal against those remaining convictions by the Supreme Court on 31 July 2019.

Mr Ellis passed away on 4 September 2019. The issue arose as to whether the appeal should continue despite his death. In September 2020, the Court decided that the appeal should

continue. Reasons for this decision will be given contemporaneously with the Court's judgment on the substantive appeal.

Crown's application to adduce evidence

The Crown applied to the Court for leave to adduce new evidence in support of its case at the hearing of the appeal.

The proposed evidence was an affidavit from a woman in which she says Mr Ellis sexually assaulted her in 1982 or 1983 when she was a child and Mr Ellis was her babysitter. The Crown also applied to adduce other supporting material related to the affidavit.

The Court has dismissed the Crown's application and ruled that the proposed evidence is inadmissible.

The Court has issued its judgment setting out its ruling now, to assist the parties in their preparation for the substantive appeal hearing in October 2021.

Reasons for this decision will be provided in two to three weeks' time.

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