

NOTE: PUBLICATION OF NAMES, ADDRESSES, OCCUPATIONS OR IDENTIFYING PARTICULARS OF COMPLAINANTS PROHIBITED BY S 203 OF THE CRIMINAL PROCEDURE ACT 2011. SEE <http://www.legislation.govt.nz/act/public/2011/0081/latest/DLM3360350.html>

NOTE: PUBLICATION OF NAMES, ADDRESSES, OCCUPATIONS OR IDENTIFYING PARTICULARS OF ANY PERSON UNDER THE AGE OF 18 YEARS WHO IS A COMPLAINANT OR WHO APPEARED AS A WITNESS PROHIBITED BY S 204 OF THE CRIMINAL PROCEDURE ACT 2011. SEE <http://www.legislation.govt.nz/act/public/2011/0081/latest/DLM3360352.html>

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

**SC 151/2025
[2026] NZSC 10**

BETWEEN GLEN OWEN WRIGHT
Applicant

AND THE KING
Respondent

Court: Ellen France, Kós and Miller JJ

Counsel: N P Chisnall KC for Applicant
H G Clark for Respondent

Judgment: 5 March 2026

JUDGMENT OF THE COURT

- A The application for leave to appeal on grounds one and three is dismissed.**
- B A decision on leave is reserved on ground two pending determination of *T (SC 51/2025) v R* and *Mahoney v R (SC 114/2025)*.**
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REASONS

[1] Mr Wright was charged with sexual offending against four complainants at or under the age of 16. The defence was that the complainants had fabricated their allegations.

[2] In her summing up, the trial Judge gave directions under s 126A of the Evidence Act 2006 on misconceptions about sexual offending. Two are relevant to Mr Wright's proposed appeal. First, the Judge gave a direction—drawn from the *Criminal Jury Trials Bench Book*—that “stress and trauma” can alter recollection and that it is a misconception to assume that if complainants do not have “clear and detailed account[s]”, then they are not telling the truth.¹ The direction related this twice to the complainants' evidence. Secondly, the Judge directed the jury on how to use the memory direction, noting it “says nothing about Mr Wright's guilt or innocence” and that it aims for the jury not to be influenced by misconceptions.

[3] A jury found Mr Wright guilty of 15 charges concerning three complainants and not guilty of six other charges (two involving a fourth complainant). Mr Wright was sentenced to 16 years' imprisonment.²

[4] The Court of Appeal dismissed Mr Wright's appeal.³ First, the references to the complainants did not risk the jury disregarding inconsistencies in the complainants' evidence or using the direction diagnostically. Secondly, the Judge sufficiently directed the jury on the purpose of the memory misconception direction. Despite not expressly stating that it says nothing about the complainants' credibility, its effect was equivalent.

¹ Te Kura Kaiwhakawā | Institute of Judicial Studies *Criminal Jury Trials Bench Book* (online ed) at [7A.5.8.2].

² *R v Wright* [2024] NZDC 24977 (Judge Saunders).

³ *Wright v R* [2025] NZCA 502 (Collins, Downs and Isac JJ) at [48]–[57].

Proposed appeal

[5] Mr Wright now presents three grounds, which, he submits, give rise to a substantial miscarriage of justice and matters of general or public importance:

- (a) *Ground one*: that the Judge erred by giving the misconception direction that complainants' memories may be altered by stress and trauma and that this may explain inconsistencies in their evidence.
- (b) *Ground two*: that the reference to the complainants' evidence in the memory misconception direction risked diagnostic usage by the jury to bolster the complainants' evidence.
- (c) *Ground three*: that the later direction on the memory direction's purpose omitted cautioning the jury that it does not bolster the complainants' credibility.

[6] Mr Wright submits the second and third grounds raise important matters regarding the correct application of this Court's decision in *DH v R*.⁴ He submits his case is helpful for the similar forthcoming appeals in *T (SC 51/2025) v R* and *Mahoney v R* (SC 114/2025) and should be heard alongside or after them.⁵

Our assessment

[7] We see no appearance of miscarriage or matters of general or public importance in respect of grounds one and three.⁶ As to ground one, the stress and trauma aspect of the memory misconception direction given was consistent with the *Bench Book* and with authority, including overseas authority.⁷ Nothing raised by the applicant suggests it requires review by this Court in this case. As to ground three, while the Judge's direction on purpose may raise issues similar to those in *T* and *Mahoney*, those appeals will resolve any matter of general or public importance.

⁴ *DH v R* [2015] NZSC 35, [2015] 1 NZLR 625.

⁵ Leave was granted in *T (SC 51/2025) v R* [2025] NZSC 117; and *Mahoney v R* [2025] NZSC 187.

⁶ Senior Courts Act 2016, ss 74(2)(a) and 74(2)(b).

⁷ See, for example, Martin Picton and others *The Crown Court Compendium – Part I: Jury and Trial Management and Summing Up* (Judicial College, April 2025) at 20-7.

Nothing here suggests the Court of Appeal erred in finding that the Judge's direction was sufficient to inform the jury of the misconception direction's purpose, including as to complainant credibility generally, nor in the finding that there is no real risk that the outcome of the trial was affected. We do not consider it necessary in the interests of justice to hear or determine the proposed appeal to that extent.⁸

[8] However, the outcomes of *T* and *Mahoney* may affect the outcome of the second ground, as they do raise similar issues. Therefore, we reserve our decision on the second ground until those appeals are resolved.

Result

[9] The application for leave to appeal on grounds one and three is dismissed. We reserve decision on leave for ground two pending judgment in *T* and *Mahoney*.

Solicitors:

Te Tari Ture o te Karauna | Crown Law Office, Wellington for Respondent

⁸ Senior Courts Act, s 74(1).