

PERMANENT DIRECTION THAT JUDGMENTS, ORDERS, DOCUMENTS OR FILES OF ANY KIND RELATED TO THE APPLICATION (EXCEPT FOR THIS JUDGMENT) MAY NOT BE ACCESSED, EXCEPT BY COUNSEL FOR THE PARTIES, WITHOUT PRIOR PERMISSION OF THIS COURT PURSUANT TO R 5(2) OF THE SENIOR COURTS (ACCESS TO DOCUMENTS) RULES 2017.

NOTE: INTERIM DISTRICT COURT ORDER PROHIBITING PUBLICATION OF NAME, ADDRESS, OCCUPATION AND IDENTIFYING PARTICULARS OF MR C REMAINS IN FORCE.

NOTE: DISTRICT COURT ORDER IN [2021] NZDC 1610 PROHIBITING PUBLICATION OF NAME, ADDRESS, OCCUPATION OR IDENTIFYING PARTICULARS OF DR A PURSUANT TO S 200 OF THE CRIMINAL PROCEDURE ACT 2011 REMAINS IN FORCE. SEE:

<https://www.legislation.govt.nz/act/public/2011/81/en/latest/#DLM3360346>

NOTE: DISTRICT COURT ORDERS IN [2025] NZDC 6846 AND [2025] NZDC 24940 PROHIBITING PUBLICATION OF NAME, ADDRESS, OCCUPATION OR IDENTIFYING PARTICULARS OF DR A PURSUANT TO S 202 OF THE CRIMINAL PROCEDURE ACT 2011 REMAIN IN FORCE. SEE:

<https://www.legislation.govt.nz/act/public/2011/81/en/latest/#DLM3360349>

NOTE: HEALTH PRACTITIONERS DISCIPLINARY TRIBUNAL ORDER PROHIBITING PUBLICATION OF NAME AND IDENTIFYING DETAILS OF DR A PURSUANT TO S 95 OF THE HEALTH PRACTITIONERS COMPETENCE ASSURANCE ACT 2003 REMAINS IN FORCE. SEE:

<https://www.legislation.govt.nz/act/public/2003/48/en/latest/#DLM204304>

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>

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

**SC 75/2026
[2026] NZSC 124**

BETWEEN

**C (SC 75/2026)
Applicant**

AND

**THE KING
Respondent**

Court: Kós, Cooke and Campbell JJ

Counsel: C W J Stevenson KC and O H Fredrickson for Applicant
S C Baker and R G Buckman for Respondent

Judgment: 9 September 2026

JUDGMENT OF THE COURT

- A The application for leave to appeal is dismissed.**
- B We make a permanent direction that judgments, orders, documents or files of any kind related to the application (except for this judgment) may not be accessed, except by counsel for the parties, without prior permission of this Court pursuant to r 5(2) of the Senior Courts (Access to Documents) Rules 2017.**
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REASONS

[1] The applicant was charged with sexual offending. He proposed to call an expert witness, Dr A, in his defence.

[2] The Crown gave notice that if Dr A gave evidence it wished to cross-examine him about two episodes of misconduct which the Crown said undermined his objectivity and impartiality in cases of sexual offending. In the District Court, Judge Rowe ruled that the Crown could cross-examine Dr A on those matters.¹

[3] The applicant's appeal against the Judge's decision was allowed by the Court of Appeal on 18 June 2026, but only in part. A majority of the Court held that the Crown could cross-examine Dr A on some of the matters relating to the two episodes of misconduct.²

[4] On 16 July 2026, the applicant applied for leave to appeal against the Court of Appeal's decision. His notice of application for leave to appeal said that a jury trial

¹ *R v [C]* [2025] NZDC 24940.

² *Lo v R* [2026] NZCA 259 (Collins, Mander and Becroft JJ).

was scheduled for 24 August 2026, and explained that Dr A would be unavailable to give evidence if the Crown is permitted to cross-examine him about the misconduct. The applicant filed submissions on 27 July which stated that the trial was to be on 25 August. The Crown's submissions were received on 3 August and also stated that the trial date was 25 August.

[5] On 24 August 2026, the applicant filed a memorandum advising that he had secured a new expert witness for trial but that Dr A was his preferred expert and he maintained his position in respect of his appeal.

[6] The Court was not able to consider and determine the application for leave to appeal prior to the scheduled trial date. We have been advised that the trial proceeded and that the applicant was found guilty. The application is therefore now moot and accordingly leave to appeal is declined. This decision, to be clear, has no bearing on the applicant's post-trial appeal rights.

[7] The Court of Appeal made a permanent direction under r 5(2) of the Senior Courts (Access to Documents) Rules 2017 that judgments, orders, documents or files of any kind related to the applicant's appeal may not be accessed, except by counsel for the parties, without prior permission of that Court.³ This was because of the nature of the suppression and non-publication orders that were in place. For the same reason, we make the same direction, although we exclude this judgment from the scope of the direction as it does not contain sensitive material.

Solicitors:

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

³ At [9], n 10.