IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 159/2025
[2026] NZSC 42

BETWEEN	ZANE EDWARD FRANKHOUSER Applicant
AND	THE KING Respondent

Court: Ellen France, Kós and Miller JJ

Counsel: F A King for Applicant
J M Pridgeon and W J Harvey for Respondent

Judgment: 4 May 2026

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] Mr Frankhouser was charged in the District Court with 10 counts of sexual offending against the complainant between 2005–2018. He was found guilty by a jury of five charges and was sentenced to five and a half years' imprisonment.[1] His appeal against conviction was dismissed by the Court of Appeal.[2]

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1 *R v Frankhouser* [2024] NZDC 23502 (Judge Tompkins).

2 *Frankhouser v R* [2025] NZCA 486 (Hinton, van Bohemen and Cull JJ) [CA judgment]. The Court of Appeal allowed Mr Frankhouser's appeal against his sentence, substituting his original sentence for one of three years' imprisonment: at [73]–[111].

[2] He applies for leave to appeal to this Court against the decisions declining his applications to adduce veracity evidence about the complainant. This involved adducing statements in a 2010 case note made by Oranga Tamariki and cross-examination of the complainant on her medical notes from 2016. This material was said to show that the complainant made or threatened to make false allegations of sexual abuse against her stepfather and her biological father, had made a prior inconsistent statement denying she ever experienced sexual abuse, and was habitually untruthful.

[3] In a pre-trial hearing, Judge Crowley found the case note evidence inadmissible because it was unattributable and not substantially helpful.[3] However, the complainant's mother could be asked (on a voir dire) whether the case note was correct that she had told the school principal that the complainant had threatened to make false allegations against her stepfather.[4] At trial, Judge Tompkins also held the medical notes evidence was inadmissible, but ruled that the mother could not be questioned on the allegation statement.[5] The complainant was, however, allowed to be cross-examined on the prior denial of abuse.[6]

[4] The Court of Appeal dismissed Mr Frankhouser's appeal against conviction, finding there was no miscarriage of justice.[7] First, the statements in the case note were inadmissible due to a "lack of sufficient probative force" and "lack of attribution".[8] It was correct to forbid counsel questioning the complainant's mother on the reported threat to make allegations. Secondly, the proposed veracity evidence based on the medical notes was not substantially helpful, and would unnecessarily prolong the hearing. Putting the prior denial to the complainant properly tested her "credibility and her veracity".[9] Furthermore, evidence the complainant exhibited disturbed behaviour could prejudice Mr Frankhouser by suggesting his alleged offending was the cause.

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3 *R v Frankhouser* [2024] NZDC 4716 (Judge Crowley) at [6]–[12].
4 At [7].
5 *R v Frankhouser* [2024] NZDC 12258 (Judge Tompkins) at [13]–[18]; and CA judgment, above n 2, at [24].
6 See CA judgment, above n 2, at [47].
7 The grounds relating to the proposed veracity evidence are dealt with at [15]–[61].
8 At [36].
9 At [58].

Proposed appeal

[5] Mr Frankhouser submits that a substantial miscarriage of justice arose from the finding that the proposed veracity evidence was inadmissible, and the inability to cross-examine the complainant's mother and stepfather on the case note. The proposed veracity evidence was substantially helpful. Additionally, the complainant or witnesses should have been asked in a further inquiry to confirm whether the alleged instances of lying and false complaints in the case note and medical note records were correct. Additionally, Mr Frankhouser submits the present facts raise matters of general or public importance. The facts are well-suited, he submits, for revisiting the guidance in this Court's decision in *Best v R* on the approach to admitting evidence of false sexual complaints as veracity evidence.[10]

Our assessment

[6] We do not consider it necessary in the interests of justice to hear and determine the proposed appeal.[11] In our view, no substantial miscarriage of justice arises. While it is arguable that the trial Judge should have followed Judge Crowley's ruling on the case note—and permitted a voir dire to ask the complainant's mother about the allegation statement to the school principal—nothing indicates that a miscarriage of justice arose by the proposed veracity evidence being held inadmissible.[12] Nothing raised by Mr Frankhouser suggests the Court was wrong to consider the evidence not substantially helpful. Furthermore, the complainant was cross-examined on her prior inconsistent statement, which enabled Mr Frankhouser to present a full defence. For these reasons we also consider that no matter of general or public importance arises in this case.[13]

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10 *Best v R* [2016] NZSC 122, [2017] 1 NZLR 186.
11 Senior Courts Act 2016, s 74(1).
12 Section 74(2)(b).
13 Section 74(2)(a).

Result

[7] The application for leave to appeal is dismissed.

Solicitors:
McKenna King Dempster Ltd, Hamilton for Applicant
Te Tari Ture o te Karauna | Crown Law Office, Wellington for Respondent