



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

16 SEPTEMBER 2021

MEDIA RELEASE

PETER HUGH MCGREGOR ELLIS v THE QUEEN

(SC 49/2019)

CASE HISTORY SYNOPSIS

This synopsis is provided to assist in understanding the history of the case and the issues to be heard by the Court. It does not represent the views of the panel that will hear the appeal in the Supreme Court. The synopsis does not comprise part of the reasons for the judgment of the Court of Appeal.

Suppression

Please note that the publication of the names or identifying particulars of the complainants and of child witnesses under the age of 17 is prohibited by ss 139 and 139A of the Criminal Justice Act 1985 respectively.

Background

Mr Ellis was convicted on 16 charges of sexual offending against seven children in 1993. The complainants attended the childcare centre where Mr Ellis was employed.

Mr Ellis appealed twice to the Court of Appeal, the second time after a referral by the Governor-General. The first appeal quashed three of the counts of sexual offending against one complainant. The second appeal against the remaining 13 convictions was dismissed in 1999.

In mid-2019, Mr Ellis successfully applied to the Supreme Court for leave to appeal against his convictions and an extension of time to make the application for leave to appeal. Although Mr Ellis died in September 2019, the Supreme Court subsequently decided that the appeal could continue.

Hearing on 4 October 2021

The Supreme Court will now hear the substantive appeal against Mr Ellis' convictions. The Court will hear evidence between 4–8 October 2021 and counsels' submissions between 11–15 October 2021.



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

The approved ground of appeal is whether a miscarriage of justice occurred in the 1999 decision of the Court of Appeal that dismissed Mr Ellis' appeal against conviction. The key arguments advanced for Mr Ellis on appeal are that:

- (a) the manner in which the pre-recorded interviews with the child complainants that were adduced as their evidence-in-chief at trial were conducted fell far short of best practice (even at the time) and there was a strong possibility of contamination of the evidence;
- (b) the jury was not appropriately assisted by expert testimony to understand the various factors which might have affected the children's reliability;
- (c) unreliable expert evidence was led under s 23G of the Evidence Act 1908; and
- (d) Mr Ellis was not afforded a fair trial under s 25(a) of the New Zealand Bill of Rights Act 1990.

Remote viewing of hearing

Provision will be made for members of the media to observe the hearing remotely if they cannot attend the hearing in person. Those who wish to do so should apply to the Supreme Court Registry by Tuesday 28 September 2021 for information about how to access the hearing and the terms and conditions of access.

Contact person:

Sue Leaupepe, Supreme Court Registrar (04) 914 3613

Supreme Court leave decision in *Ellis v R*: [\[2019\] NZSC 83](#) (31 July 2019)

Supreme Court continuation decision in *Ellis v R*: [\[2020\] NZSC 89](#) (1 September 2020)

Supreme Court decision on Crown's application to adduce further evidence in *Ellis v R*: [\[2021\] NZSC 63](#) (15 June 2021)