



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

4 August 2025

MEDIA RELEASE

DAVID WAYNE TAMIHERE v THE KING

(SC 82/2024)

Hearing of the Supreme Court in the Auckland High Court, Monday 18 August – Wednesday 20 August 2025

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.

Background

On 5 December 1990 the appellant, Mr Tamihere, was convicted of the murders of Urban Höglin and Heidi Paakkonen, two Swedish tourists who disappeared in bush country on the Coromandel Peninsula after last being seen in Thames on 7 April 1989. The Crown's case was that Mr Tamihere, who was living in the bush at that time, murdered the couple somewhere near Crosbies Clearing, north of Thames. It relied partly on eyewitness evidence from two trampers who identified Mr Tamihere as the man they encountered at Crosbies Clearing with a young woman who fit Ms Paakkonen's description on 8 April 1989. Mr Tamihere admitted stealing Mr Höglin and Ms Paakkonen's car from Tararu Creek Road, the nearest place by car to Crosbies Clearing, and dumping or selling their possessions. The Crown case was otherwise circumstantial.

In 2020, the Governor-General referred Mr Tamihere's convictions to the Court of Appeal to determine whether a miscarriage of justice may have occurred. This was due to two events which had taken place since the initial trial. First, more than two years after his disappearance, Mr Höglin's skeletal remains were found in Wentworth Valley, a considerable distance from Crosbies Clearing. Second, the Crown case included evidence from a prison informant—Robert Conchie Harris—who said Mr Tamihere had disclosed he had almost been “sprung” by “a couple” while he was in the bush with Ms Paakkonen, an account which tended to corroborate the trampers' identifications. Mr Harris was later convicted of perjury in connection with that evidence. Taken together, the Governor-General's reference said these events may raise doubts about the accuracy of the trampers' identifications.

On 11 July 2024, the Court of Appeal found that the admission of Mr Harris's false evidence may have affected the jury's verdicts and accordingly amounted to a miscarriage of justice. However, the Court upheld Mr Tamihere's murder convictions under the proviso to s 385(1) of the Crimes Act 1961 because the other evidence (including evidence not heard by the jury

but admitted on appeal) proved beyond reasonable doubt that he had murdered Mr Höglin and Ms Paakkonen.

This appeal

On 20 December 2024 the Supreme Court granted Mr Tamihere leave to appeal. The approved question is whether the Court of Appeal was correct not to exercise its jurisdiction under s 406(1)(a) of the Crimes Act 1961 to quash Mr Tamihere's convictions.

The Court expressed a particular interest in issues of principle involved in whether the trial was unfair; whether there was (in light of the new evidence or otherwise) a fundamental error at trial; and whether it was right for the Court of Appeal to apply the proviso to s 385(1) of the Crimes Act 1961, given the importance of the constitutional role of the jury.

Viewing of hearing

This hearing of the appeal will be live-streamed. Details about access to the live-stream and the conditions of access will be posted on the [Courts of New Zealand website](#) shortly before the hearing. No recording is permitted.

The panel

The Hon Justice Williams	The Hon Justice Glazebrook	The Rt Hon Chief Justice Winkelmann	The Hon Justice Ellen France	The Hon Justice Kós
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Judges as seen from the public gallery

Counsel

- David Wayne Tamihere (Appellant): *M S Gibson and J E L Carruthers*
- The King (Respondent): *F R J Sinclair and R K Thomson*

Sitting hours

Court will begin at 10:00am and conclude at 4:00pm with adjournments taken from 11:30am to 11:45am and from 1:00pm to 2:15pm. There is no afternoon adjournment.

Enquiries

Any enquiries about the hearing should be directed via email to supremecourt@justice.govt.nz.

Contact person:

Sue Leaupepe, Supreme Court Registrar (04) 914 3613

Court of Appeal decision: [\[2024\] NZCA 300](#) (9 July 2024)

Supreme Court leave decision: [\[2024\] NZSC 185](#) (20 December 2024)