



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

9 October 2026

MEDIA RELEASE

SCOTT WATSON v R

(SC 109/2025)

**Hearing in the Supreme Court
Tuesday 20 October–Wednesday 21 October 2026**

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.

Suppression

The previous orders noted in [2025] NZCA 455 prohibiting publication of names, addresses, occupations or identifying particulars of witnesses remain in force.

Background

Mr Watson was convicted after a 3-month trial in 1999 of the murder of Olivia Hope and Ben Smart. Ms Hope and Mr Smart were last seen boarding a boat in the early hours of 1 January 1998 in the company of a single man and have not been seen since. It is now common ground that the victims were killed by the lone man in circumstances amounting to murder. The issue at trial was whether Mr Watson was that man. Mr Watson was convicted and sentenced to life imprisonment.

Mr Watson made two applications to the Governor-General for the exercise of the Royal prerogative of mercy. Under s 406(1)(a) of the Crimes Act, the Governor-General in Council could refer the question of a conviction to the Court of Appeal for determination. Such a reference was made on 13 August 2020 following the second application and required the Court of Appeal to determine whether a miscarriage of justice may have occurred.

Court of Appeal decision

On 9 September 2025, the Court of Appeal delivered a judgment concluding that there was no miscarriage of justice.

In reaching that view, the Court addressed the issues raised in the Reference, which focused on evidence at trial about two hairs which forensic testing linked to Ms Hope. The Court also

considered challenges to the identification evidence given at trial and the case against Mr Watson overall.

One of the issues before the Court of Appeal related to the admissibility of identification evidence of a witness, Guy Wallace.

At trial, the visual identification evidence of Mr Wallace had been admitted by the trial Judge. In April 1998, he selected Mr Watson's photograph from an eight-person police photographic montage known as Montage B. Mr Watson argued that the evidence was inadmissible because the procedure adopted to obtain the evidence did not produce a reliable identification by Mr Wallace.

The Court of Appeal considered, amongst other matters, an earlier photograph shown to Mr Wallace of Mr Watson, whether the photograph used in Montage B meant witnesses were predisposed to identify Mr Watson, and the circumstances in which Mr Wallace made his identification and the other evidence supporting his identification.

The Court of Appeal ultimately concluded that Mr Wallace's identification was moderately probative evidence that Mr Watson was the lone man. The evidential value of the identification outweighed any unfairness associated with admitting it and its admission had not given rise to a miscarriage of justice.

This appeal

On 10 March 2026, the Supreme Court granted Mr Watson leave to appeal in part. The approved question is whether the Court of Appeal was correct to conclude no miscarriage of justice arose from the decision of the trial Judge to admit the visual identification evidence of Guy Wallace.

Viewing of hearing

This courtroom is open to the public.

This hearing of the appeal will also 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 Kós	The Hon Justice Ellen France	The Rt Hon Chief Justice Winkelmann	The Hon Justice Williams	The Hon Justice Cooke
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Judges as seen from the public gallery

Counsel

- Scott Watson (Appellant): *N P Chisnall KC and K H Cook*
- The King (Respondent): *M F Laracy, S C Baker and T R Simpson*

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. While attending the hearing, enquiries can also be directed to the Court Registry, which is located outside the main courtroom in the Supreme Court foyer.

Contact person:

Sue Leaupepe, Supreme Court Registrar (04) 914 3613

Court of Appeal decision: [\[2025\] NZCA 455](#) (9 September 2025)

Supreme Court leave decision: [\[2026\] NZSC 15](#) (10 March 2026)

