

R E G I N A

v.

PETER HUGH McGREGOR ELLIS  
and  
DEBORAH GILLESPIE

Hearing: 5th March 1993  
Counsel: B.M. Stanaway for Crown  
R.A. Harrison for McGregor  
G.H. Nation for Gillespie

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ORAL JUDGMENT OF WILLIAMSON J.

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DEBORAH GILLESPIE and PETER HUGH ELLIS

Both of you were charged with two offences, namely offences of an indecent act in a public place and an indecent act on one child. On the 11th February this year, after depositions in the District Court, you were committed to this Court for trial on the charge of an indecent act upon the particular child.

Yesterday a draft indictment was filed containing a joint charge as the 30th count, namely:

"That between 20th January 1990 and 1st April 1991 at Christchurch did indecently assault \_\_\_\_\_, a girl under the age of 12 in that they touched her vagina with their fingers at the Creche."

2.

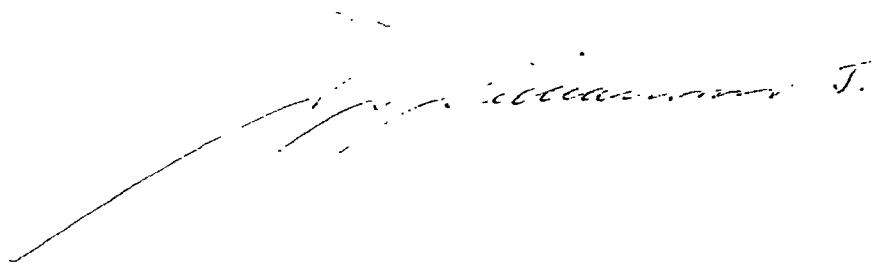
That is the only charge in this indictment involving you Deborah Gillespie.

Today, pursuant to s.347(1)(c) of the Crimes Act 1961 the prosecutor has informed the Court that the particular child is not available to give evidence at trial. He accepts that without the child's evidence it is unlikely that any jury, properly directed, would convict you on this charge. Counsel for both you Ellis and you Gillespie have applied under s.347 of the Crimes Act. These are proper applications and accordingly I now direct that no indictment shall be presented for the offence described as count 30 in the draft indictment and both of you are discharged in relation to that count.

You, Deborah Gillespie, are not charged with any other count and consequently you are finally discharged.

You, Ellis, will be remanded on the same terms that apply at present until the 15th March when pre trial applications in relation to the other counts in the indictment are to be heard.

The name of the child mentioned in count 30 is, of course, automatically suppressed by law.

A handwritten signature in black ink, appearing to read "William J.", is written across the bottom of the page.