

NOT TO BE PUBLISHED  
UNTIL TRIAL COMPLETED

IN THE HIGH COURT OF NEW ZEALAND  
CHRISTCHURCH REGISTRY

T.9/93

R E G I N A

v.

PETER HUGH MCGREGOR ELLIS

Hearing: 26th, 27th, 28th, 29th and 30th April and 3rd, 4th and 5th May 1993

Counsel: B.M. Stanaway and C. Lange for Crown  
R.A. Harrison and Ms Siobhan McNulty for Accused

Oral Judgment: 5th May 1993

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ORAL JUDGMENT (NO. 8) OF WILLIAMSON J.

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Counsel for the Accused wishes to cross-examine a witness,  
^ . concerning a list allegedly prepared by a person,  
^ .. Counsel wishes to ask whether or not this list was present and  
circulated at a meeting of creche parents held during July or August of 1992  
in the witness's home. Counsel also indicated that he wished to ask some  
questions as to the content of the list and how that content was made up.

For the Crown objection to that line of questioning has been  
made simply on the basis that it has no relevance to the evidence given by  
the witness, nor to the evidence given by her son in support of the 8th  
count in the indictment, that is the only count which involves him. The

evidence he gave in relation to that was recorded in an evidential interview prior to the meeting of July/August 1992. In this respect Counsel for the Crown argues there can be no suggestion of contamination affecting that material because of the timing.

In previous rulings I have given concerning cross-examination on collateral matters, I have endeavoured to set a pattern. I have explained the difficulty that any Court meets when prescribing the limits to which cross-examination on collateral matters may be made. I will not repeat those things. In this case I will permit the cross-examination although the extent of it may have to be controlled. I permit it because Counsel assures me that it is relevant to his defence in relation to other counts in the indictment, that is not count 8 but to other counts, and in particular to those counts 16-19 in the indictment. On that basis it is in my view proper for him to cross-examine any witness who gives evidence at the trial in relation to matters which may affect other counts or to the defence of those counts. That is not to suggest that this trial can be turned into a public inquiry about the creche. It is a trial in relation to specific charges and must remain so.

Solicitors:

Crown Solicitor, Christchurch, for Crown  
R.A. Harrison, Christchurch, for Accused