

G.K. PANCKHURST, QC
Barrister

Merely Chambers
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1 August 1994

Mr Nicholas Till,
Barrister,
P.O. Box 252,
CHRISTCHURCH

Dear Sir,

RE: ELLIS APPEAL

1. As you are no doubt aware, the appeal has been adjourned until Friday next. Essentially, the issue which is still to be argued, concerns the interview process by which the various allegations were elicited from the complainant children. Needless to say, recent developments with regard to Zelda may also be of significance in relation to the interview process. Accordingly, it is in this area that I would like you to ask some further questions.
2. I understand from your present report that you may not have seen the transcripts of Zelda's three interviews, nor indeed the video tapes themselves. Mr Stanaway has indicated that he would like you to see one or the other, or indeed both. I of course have no objection to that course.
3. What I ask of you is that you pursue two areas. Firstly, when Mr Fantham spoke to me in Wellington last week, he indicated that one of the first comments made by Ms Cypress was to the effect that Zelda had indicated she spoke as she did at interview, because she thought that was what the interviewer wished to hear. I would be grateful if you could explore that avenue with Ms Cypress.
4. With regard to Zelda herself, I am anxious that you explore with her, if possible, the following:-
 - (a) Why she said the things she did at the three interviews?
 - (b) Where the idea came from to disclose the various elements of abuse which she described?
 - (c) Generally how she felt about the interviews and the interviewer?

Obviously, I leave it entirely to you to determine how such issues are broached. The questions I have suggested are no doubt inelegantly phrased for use at an interview with an eleven year old.

5. Mr Stanaway has indicated that he would like you to be aware of evidence given at the trial concerning the phenomenon of children resiling from allegations of abuse. There are passages in the evidence of Drs Zelas and Le Page. I of course have no objection to your being aware of this evidence.
6. In the first instance, I should be grateful if you could explore these further aspects and provide a report similar to that which was forwarded to the Court of Appeal last week. Whether it might become necessary to endeavour to obtain formal affidavit evidence, is an issue which I shall consider with the Crown before next Friday.
7. Thank you for your assistance.

Yours faithfully,


G.K. Panckhurst

P.S. Mrs. has seen this letter in draft.
given the terms of question 4, he
considers that a viewing of the tapes
may be essential.