

NOTE: PUBLICATION OF NAME, ADDRESS, OCCUPATION OR IDENTIFYING PARTICULARS OF COMPLAINANT PROHIBITED BY S 203 OF THE CRIMINAL PROCEDURE ACT 2011.

NOTE: PUBLICATION OF NAMES OR IDENTIFYING PARTICULARS OF COMPLAINANTS PROHIBITED BY S 139 OF THE CRIMINAL JUSTICE ACT 1985.

ORDER PROHIBITING PUBLICATION OF THE JUDGMENT AND ANY PART OF THE PROCEEDINGS (INCLUDING THE RESULT) IN NEWS MEDIA OR ON THE INTERNET OR OTHER PUBLICLY AVAILABLE DATABASE UNTIL FINAL DISPOSITION OF TRIAL. PUBLICATION IN LAW REPORT OR LAW DIGEST PERMITTED.

IN THE COURT OF APPEAL OF NEW ZEALAND

**CA267/2015
[2015] NZCA 203**

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|---------|-----------------------------------|
| BETWEEN | JOHN ALFRED ROBINSON Appellant |
| AND | THE QUEEN Respondent |

Hearing: 27 May 2015
Court: Randerson, Stevens and White JJ
Counsel: E J Forster for Appellant
G A Kelly for Respondent
Judgment: 27 May 2015 at 4.00 pm

JUDGMENT OF THE COURT

- A The application for leave to appeal is granted.**
- B The appeal is dismissed.**
- C Order prohibiting publication of the judgment and any part of the proceedings (including the result) in news media or on the internet or other publicly**

available database until final disposition of trial. Publication in law report or law digest permitted.

RESULT

(Reasons to follow)

[1] We propose to issue reasons for judgment at a later date. We were told the trial of Mr Robinson is due to start in the District Court on 2 June 2015.

[2] We therefore record two matters relevant to the forthcoming trial. First Mrs Kelly, counsel for the respondent, confirmed that the complainant, N, would give her evidence viva voce. The same is the case in respect of the propensity witnesses, S and P. They will both be called, will give their evidence orally and will be available for cross-examination.

[3] In the case of the propensity witness P, Mr Robinson pleaded guilty in January 1992 to three charges of sexual offending against her. He was also found guilty of three further charges following a trial at which he pleaded not guilty. The certificates of conviction for the six convictions will be produced by the Crown as exhibits in order to prove the convictions.

[4] At the pre-trial hearing in the District Court Mr Forster challenged the admissibility of the certificates under s 49 of the Evidence Act 2006. The Judge rejected this challenge and directed that the Crown will be entitled to tender certificates of conviction on each of the six charges.¹ Mr Forster confirmed to us that the ruling meant his client could not now challenge the fact of the convictions.

Solicitors:
Crown Law Office, Wellington for Respondent

¹ *New Zealand Police v Robinson* [2015] NZDC 6821.