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**Pānui Pāpāho | Media Release**

## **Criminal Cases Review Commission refers its second case to an appeal court**

Te Kāhui Tātari Ture | Criminal Cases Review Commission (Commission) has made the decision to refer the convictions of Mikaere Oketopa (formerly Michael October) for rape and murder to the Court of Appeal after considering new evidence that his admissions to the police were likely to be false confessions, along with other issues concerning reliability of identification evidence, the improbability that Mr Oketopa was at the scene of the crime, and features concerning the integrity of the Police investigation.

Mr Oketopa was convicted at the Christchurch High Court in October 1995 for the rape and murder of Anne-Maree Ellens killed at Christchurch East School in the early hours of Saturday 17 September 1994.

During interviews by Police two days after the rape and murder, Mr. Oketopa made admissions that he had had consensual sex with the victim at Christchurch East School and heard the victim screaming shortly afterward. Mr Oketopa later retracted these statements.

His admissions, along with eyewitness identification evidence were crucial in the Crown's case against Mr. Oketopa.

The Commission engaged Professor Gisli Gudjonsson, an internationally renowned expert in forensic psychology and false confessions to review Mr. Oketopa's admissions to the police and other material related to police interactions with him. Professor Gudjonsson concluded that Mr. Oketopa's admissions had "all the hallmarks of internalized false confessions" and that there was a high risk that his admissions to the police were false confessions, and that the police investigation took on a "guilt-presumptive mindset" from the time the confessions were made.

Chief Commissioner Colin Carruthers KC said "In the ever-changing world of forensic science, this new evidence about Mr. Oketopa's admissions came almost twenty years after Mr. Oketopa's conviction. However, this is evidence which led to the Commission referring Mr. Oketopa's case to the Court of Appeal, along with a thorough investigation of the three other issues relied on for the referral."

Mr. Oketopa still denies today that he was at the scene of the crime. His statement that he was asleep in an associate's car in another location in Christchurch has been corroborated by witnesses, some of whom were not called during the trial.

Mr. Oketopa was convicted alongside two co-defendants, Richard Genge and Samuel Kirner.

An unusual factor, in this case, is that Messrs Genge and Kirner have consistently maintained that they did not know Mr Oketopa and only met him at their first appearance after being charged with the crimes.

Our investigation has identified a series of issues relating to the integrity of the police homicide investigation and the trial, which undermine Mr Oketopa's convictions for rape and murder.

The Commission considers the cumulative effect of these issues is that a miscarriage of justice in Mr. Oketopa's case has occurred, and that it would therefore be in the interests of justice to refer Mr. Oketopa's convictions to the Court of Appeal.

**ENDS**