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## Pānui Pāpāho | Media Release

**Te Kāhui Tātari Ture | The Criminal Cases Review Commission has referred a third case to the appeal court.**

The two-year investigation uncovered serious concerns about the omission of crucial information when deciding to charge the applicant along with identification evidence used to convict them. Given the new information, the Commission has decided it is in the interests of justice to refer the convictions back to the High Court.

The applicant has indicated that an application may be made for name suppression – so all information that may identify them, including case details have been omitted.

The applicant was convicted in 2015 for committing indecent acts. The convictions arose after two separate incidents involving the same victim.

The sole issue at trial was the identification evidence. During the investigation Te Kāhui uncovered material which undermined this evidence used at trial.

“The investigation has concluded that, following the first formal identification procedure the victim was given an indication as to who the suspect was,” Chief Commissioner Colin Carruthers KC said.

“The Commission considers this tainted the second formal identification procedure, and the evidence should not have been admitted at trial.”

The investigation also identified procedural concerns, specifically, an extract in a report from a police officer to the prosecutor outlining that the victim had received an indication as to who the suspect was during the first photo board identification procedure. This note was removed from the report that went to the prosecutor and as a result, the information was not brought to the attention of the courts.

“The Commission also considers that the actions of police officers involved in this case have undermined the safety of the applicant’s convictions,” Mr Carruthers said.

The Commission has concluded that a miscarriage of justice has occurred and considers that it would be in the interests of justice to refer the convictions to the High Court. **ENDS.**

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