



6 December 2019

Ross Francis

By email: rossdfrancis@gmail.com

Tēnā koe Mr Francis

Official Information Act Request

Our Ref: OIA353/1

1. Further to your recent requests for information, you have made three further requests for information, which we have treated as requests under the Official Information Act 1982 (OIA):

- 1.1 According to records held by Crown Law, including information held in the minds of officials, did the Solicitor General, Una Jagose, inform the Supreme Court on 14 November 2019 that memory research “wasn’t science”? Did she subsequently qualify her statement – following expressions of surprise from the bench – to say that memory research didn’t provide the same certainty as DNA? Please provide me with a copy of her comments.
- 1.2 In 2018, at about how many trials involving alleged sexual offending against children was DNA evidence presented to the court?
- 1.3 Please supply me with the details (including titles and authors’ names) of research papers regarding child suggestibility or memory that are held by Crown Law. Please supply details of research papers regarding child suggestibility or memory which have been accessed by Crown Law since Peter Ellis’ legal counsel indicated his intention to appeal earlier this year.

First request

2. All Supreme Court hearings are transcribed, and the transcripts are published on the Courts of New Zealand website. This request is therefore refused on the basis the information is, or will soon be, publicly available: OIA, s 18(d).

Second request

3. Crown Law does not keep records of this kind. The request is therefore refused on the basis the information sought does not exist: OIA, s 18(e).

Third request

4. Crown Law maintains its own library. We will hold a number of different research papers which may touch on this issue, it is not practicable to provide the details you have requested. This request is therefore refused on the basis it would require substantial collation or research: OIA, s 18(f). In accordance with s 18A of the OIA I have considered whether fixing a charge (to be paid by you) or extending the time for this response would enable the information to be provided and I have concluded it would not. Part of the reason for that conclusion is that information about the material considered by counsel in connection with the Ellis matter would likely be subject to legal professional privilege and therefore would be withheld in any event.
5. In accordance with s 19 of the OIA I advise you have a right, by way of complaint to the Ombudsman under s 28(3) of the OIA, to seek an investigation and review of this decision.

Ngā mihi
Crown Law

A handwritten signature in black ink, appearing to read "Charlotte", enclosed in a stylized oval shape.

Charlotte Brook
Crown Counsel & Team Manager, Criminal Team