

Law topics discussed in these pages

DNA evidence - Bayes' Theorem - Eyewitness identification contradicted by DNA test results - What to do when a scientist says the DNA evidence is "not inconsistent" with being from the defendant, notwithstanding an inconsistency: [Click here](#).

Common law enforcement of rights without breach of Bill of Rights - *R v Te Huia* - common law fairness - standard of proof: [Click here](#).

A criticism of some commentators' evaluation of *R v Grayson* and a method for analysing when breaches of rights should lead to exclusion of evidence: [Click here](#).

Criminal Equity - the revolutionary way of dealing with conflict between Parliamentary sovereignty and the Courts' obligation to achieve fairness: [Click here](#).

"Criminal Fairness in the House of Lords" three cases which point to improvements in the common law [Click here](#).

"*Shaheed* balancing: three propositions" an explanation of how to avoid three dangers in applying *R v Shaheed*: [Click here](#).

An essay on the duty of courts to stay proceedings where that is necessary to prevent abuse of process: [Click here](#).

My address to a Symposium on Drug Trials, Auckland District Law Society, April 2005 (This is completely different from the written paper that I presented at this Symposium; that paper can be obtained from the Auckland District Law Society): [Click here](#).

"Proof, Fairness and the Proviso" an analysis of applications of the criminal proviso, including consideration of the extent to which appellate courts should be bound to follow juries' approaches to facts in issue: [Click here](#).

A draft paper (written 28 June 2006) on the controversial convictions of Peter Ellis for sexual offending at the Christchurch Civic Creche. This does not go in to whether he is really guilty, but instead looks at the model of the accused's right to a fair trial used in that case, and asks whether under a modern interpretation of this right the convictions would be upheld: [Click here](#).

"Promoting trial fairness" a summary of my Fair Trial Theory developed in various publications since 2003, with an extension of the theory to a consideration of judicial warnings to the jury on the topics of lies, similar facts, and inferences. This paper was published in *Acquitalk*, the Newsletter of the New Zealand Criminal Bar Association, July 2006: [Click here](#).

Submissions to the Select Committee on the Evidence Bill, prepared on behalf of the Criminal Bar Association of New Zealand Inc. These have been published in *Acquitalk*, October 2006, and they focus on the admissibility of one accused's out of court allegations about a co-accused. Subsequently, the Evidence Bill was amended consistently with these submissions, and the relevant provision has been enacted as s 27(1) of the Evidence Act 2006: [Click here](#).

Observations on the hearsay provisions of the Evidence Act 2006[NZ]. [Click here](#).

Observations on s 30 of the Evidence Act 2006[NZ], concerning improperly obtained evidence. [Click here](#).

Observations on advising clients whether to give a statement to the police, in the light of s 21 of the Evidence Act 2006[NZ]. [Click here](#).

Observations on the admissibility of propensity (similar fact) evidence under ss 40 - 43 of the Evidence Act 2006[NZ], in the light of Bayes' Theorem and the requirements of logic: [Click here](#).

Discussion of a New Zealand Court of Appeal decision on the admissibility of a hearsay confession: [Click here](#).

Observations on the likely interpretation of s 8 of the Evidence Act 2006[NZ], which enacts the discretion to exclude evidence by the weighing of its probative value against its prejudicial effect: [Click here](#).

On a related topic, [here](#) is an updated version of a paper that appeared in the Criminal Law Review, entitled "Probative value, prejudicial effect, and the accused's right to a fair trial".

Observations on LCN DNA analysis: a discussion of the Low Copy Number DNA analysis technique in the Northern Ireland case *R v Hoey* refers to its acceptance in New Zealand. Whether the reference to that technique in the New Zealand Court of Appeal case *R v Lepper* amounts to acceptance is debatable: [Click here](#).