



Supreme Court of New Zealand

19 May 2011

MEDIA RELEASE – FOR IMMEDIATE PUBLICATION

**STEPHEN THOMAS HUDSON v THE QUEEN
(SC 100/2010)
[2011] NZSC 51**

PRESS SUMMARY

This summary is provided to assist in the understanding of the Court's judgment. It does not comprise part of the reasons for that judgment. The full judgment with reasons is the only authoritative document. The full text of the judgment and reasons can be found at www.courtsofnz.govt.nz.

In late 2009, the appellant, Stephen Hudson, was found guilty of the murder of Nicholas Pike, who was last seen alive in March 2002. His body has never been found. The Court of Appeal dismissed his appeal against conviction and sentence. His further appeal to the Supreme Court concerned the admissibility of, and the Judge's directions as to, admissions allegedly made by him to other prison inmates and propensity evidence associated with his prior violent behaviour.

The Supreme Court has unanimously dismissed Mr Hudson's appeal.

Although evidence of admissions allegedly made by a defendant while in prison to other prison inmates requires careful scrutiny, such evidence is not presumptively inadmissible and in the present case the evidence of the prison inmates was admissible.

The Supreme Court held that no miscarriage of justice occurred as a result of the Judge's directions as to the prison admission evidence and in doing so rejected the argument that

there should be a standard form direction on prison admission evidence. Sections 122(2) and (4) of the Evidence Act militate against such approach and in the circumstances of the case the Judge's directions were adequate.

The Court also upheld the admissibility (under s 43 of the Evidence Act) of the evidence of two attacks perpetrated by Mr Hudson some months before Mr Pike disappeared. The attacks showed that he had a propensity to react with extreme violence when affected by sexual jealousy. In the view of the Court there was ample evidence to support the Crown case that the appellant was indeed affected by sexual jealousy and that this provided a motive for him to kill Mr Pike.

The Court has also held that the Judge's directions to the jury on the proper use of propensity evidence were adequate.

The appeal is accordingly dismissed.

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