

**NOTE: PUBLICATION OF NAMES, ADDRESSES, OCCUPATIONS OR
IDENTIFYING PARTICULARS OF COMPLAINANTS PROHIBITED BY
S 203 OF THE CRIMINAL PROCEDURE ACT 2011.**

IN THE SUPREME COURT OF NEW ZEALAND

**SC 126/2016
[2017] NZSC 71**

BETWEEN IAN EDWARD HITCHCOCK
Applicant
AND THE QUEEN
Respondent

Court: William Young, Arnold and Ellen France JJ
Counsel: L Hitchcock for Applicant
J E L Carruthers for Respondent
Judgment: 17 May 2017

JUDGMENT OF THE COURT

The application for recall is dismissed.

REASONS

[1] The applicant has sought a recall of the judgment of this Court dismissing his application for leave to appeal.¹ The application is made on the basis the Court has not taken into account that late disclosure by the police of cellphone evidence meant critical evidence was not made available at trial or available for consideration by the Court of Appeal.

¹ *Hitchcock v R* [2017] NZSC 29.

[2] The text of the Court's judgment makes it clear that the applicant's argument on this aspect was understood and addressed. No viable basis for recall has been put forward. The application for recall is accordingly dismissed.

Solicitors:
Crown Law Office, Wellington for Respondent