

7 October 2013

MEDIA STATEMENT:

Lundy v R (Privy Council Appeal No. 94 of 2013)

On 7 October 2013 the Judicial Committee of the Privy Council delivered its decision allowing Mr Lundy's appeal against his convictions for the murder of his wife Christine and daughter Amber. A retrial was ordered to take place as soon as can be conveniently arranged, and the prosecution will return to the High Court for that purpose. Mr Lundy was directed to remain in custody pending the retrial subject to any decision that the High Court might make on application for bail.

The Judicial Committee considered that Mr Lundy's convictions ought to be quashed because fresh evidence of an expert nature raised "substantial questions" about the Crown case at trial in three areas:

- (i) The identification of bodily tissue taken from two areas of staining on a shirt belonging to Mr Lundy (at trial, this tissue was accepted by both sides as being Christine Lundy's central nervous system tissue);
- (ii) The time of death; and
- (iii) The time the Lundy family computer was switched off.

Two remaining grounds of appeal were dismissed.

At the appeal, the Crown relied on further evidence in response to the fresh evidence relied upon by Mr Lundy. The Judicial Committee highlighted the areas in dispute but did not express any opinion on which evidence should be preferred, stating that this was a matter for the jury at the retrial.

The decision rests on fresh evidence of an expert nature. There is no suggestion that Mr Lundy's trial in 2002 was unfair, and there is no criticism of the Court of Appeal's decision dismissing Mr Lundy's appeal against conviction in 2002.

As the proceeding is now back before a trial court the usual rules apply in respect to public comment or discussion which may potentially influence the jury's consideration of the case.

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