

PRESENTERS

Judge Bruce Davidson, Wellington District Court, Wellington

Bruce was appointed to the bench in 2003. Prior to his appointment he was a criminal defence lawyer for around 25 years. He is currently involved in the committee overseeing the drafting of the Criminal Procedure Rules.

Mark Lillico, Crown Law Office, Wellington

Mark works in the Criminal Law Team. Prior to that he was contracted to the Ministry of Justice assisting with the Criminal Procedure (Reform and Modernisation) Bill and was in private practice for 14 years as a defence lawyer.

The statements and conclusions contained in this booklet are those of the author(s) only and not those of the New Zealand Law Society. This booklet has been prepared for the purpose of a Continuing Legal Education course. It is not intended to be a comprehensive statement of the law or practice, and should not be relied upon as such. If advice on the law is required, it should be sought on a formal, professional basis.

CONTENTS

INTRODUCTION	1
SUPPRESSION OF EVIDENCE AND IDENTITY	3
INTRODUCTION	3
POWER TO CLEAR THE COURT	3
SUPPRESSION OF NAMES	4
Defendant	4
Witnesses, Complainants and Others	5
SUPPRESSION OF EVIDENCE AND SUBMISSIONS	6
POWERS OF REGISTRARS	7
GENERAL PROVISIONS RELATING TO SUPPRESSION ORDERS	7
<i>Reasons for decision</i>	7
<i>Review of suppression orders</i>	7
<i>Police/prosecution publication of suppressed names</i>	8
<i>Media standing</i>	8
<i>Suppression offences</i>	8
SENTENCING INDICATIONS	11
BACKGROUND	11
WHAT IS A SENTENCE INDICATION?	11
WHO, HOW AND WHEN?	11
Who	11
How	12
When	12
THE PROCESS	12
WHAT IF IT GOES PEAR-SHAPED?	13
DOING THE JOB WELL	13
DISMISSAL OF APPEALS FOR PROCEDURAL NON-COMPLIANCE.....	15
APPENDIX 1.....	17
FACT SHEET FROM THE MINISTRY OF JUSTICE	17
APPENDIX 2.....	27
CRIMINAL PROCEDURE ACT 2011 – PUBLIC ACCESS AND RESTRICTIONS ON REPORTING, SS 194 – 211, 390 - 393.....	27
APPENDIX 3.....	43
CRIMINAL PROCEDURE ACT 2011 – SENTENCE INDICATIONS, SS 60 – 65, 115 – 116, 245, 252, 388 – 389	43