

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI

**SC 13/2020
[2020] NZSC 30**

BETWEEN DAVID SIMON BARTON
 Applicant

AND THE QUEEN
 Respondent

Court: Glazebrook, Ellen France and Williams JJ

Counsel: Applicant in person
 R K Thomson for Respondent

Judgment: 7 April 2020

JUDGMENT OF THE COURT

**The application for suppression of the Court's judgment
Barton v R [2020] NZSC 24 is declined.**

REASONS

Introduction

[1] On 25 March 2020 this Court dismissed Mr Barton's application for bail pending the determination of his application for leave to appeal to this Court.¹

[2] Mr Barton applies for suppression of this Court's bail decision.

Background

[3] One of Mr Barton's submissions in support of his bail application was that bail was necessary so that he could provide assistance to the police with regard to unrelated

¹ *Barton v R* [2020] NZSC 24 (Glazebrook, Ellen France and Williams JJ).

major crimes. The Crown, however, noted in its submissions that the police had confirmed that Mr Barton had nothing of value to impart.

[4] An offer of assistance to the police had been made before – see the discussion by Gault J in his decision of 7 February 2020 dismissing Mr Barton’s appeal against Judge Sharp’s decision of 6 January 2020 not to grant bail to Mr Barton.²

Submissions

[5] Mr Barton seeks suppression of this Court’s bail decision because he says that he will be at risk in prison if his offer to assist the police becomes known. Mr Barton submits that all bail decisions in the Courts below referring to assistance have been suppressed.

Our assessment

[6] Bail decisions are subject to publication restrictions under s 19(1) of the Bail Act 2000.³ However, under s 19(3) of that Act, suppression only lasts until, at the latest, the conclusion of the defendant’s trial.⁴ Under s 19(4) “conclusion of the defendant’s trial” includes, where there is a conviction appeal, the date that appeal is determined.

[7] Mr Barton’s appeal, however, was only against sentence. This means that there is no automatic suppression of this Court’s judgment and, indeed, of Gault J’s judgment which, as noted above, also refers to Mr Barton’s offer of assistance to the police.

[8] We do not see any need to suppress our judgment. The reference in the judgment to the offer of assistance gives no details of the assistance offered and, in any event, the judgment records that the information was of no use to the police.

² *Barton v R* [2020] NZHC 93 (Gault J) at [22]–[24]; see also *Police v Barton* [2020] NZDC 1540 (Judge Sharp).

³ Gault J’s judgment referred to above had that notation on the judgment.

⁴ Bail Act, s 19(3)(a).

[9] If Mr Barton remains concerned about possible consequences, he should raise these concerns with the prison authorities.

Result

[10] The application for suppression of this Court's judgment, *Barton v R* [2020] NZSC 24, is declined.

Solicitors:
Crown Law Office, Wellington for Respondent