

**NOTE: PUBLICATION RESTRICTIONS APPLY PURSUANT TO S 19(1) OF
THE BAIL ACT 2000. SEE**

<http://www.legislation.govt.nz/act/public/2000/0038/latest/DLM68927.html>

**NOTE: PUBLICATION OF NAME ADDRESS, OCCUPATION OR
IDENTIFYING PARTICULARS OF COMPLAINANT PROHIBITED BY S 203
OF THE CRIMINAL PROCEDURE ACT 2011. SEE**

<http://www.legislation.govt.nz/act/public/2011/0081/latest/DLM3360350.html>

**NOTE: PUBLICATION OF NAME, ADDRESS, OCCUPATION OR
IDENTIFYING PARTICULARS OF COMPLAINANT PROHIBITED BY S 204
OF THE CRIMINAL PROCEDURE ACT 2011. SEE**

<http://www.legislation.govt.nz/act/public/2011/0081/latest/DLM3360352.html>

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

**SC 115/2024
[2024] NZSC 154**

BETWEEN VASA JOHNSTON
Applicant

AND THE KING
Respondent

Court: Glazebrook and Ellen France JJ

Counsel: Applicant in Person
A J Ewing for Respondent

Judgment: 8 November 2024

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] After a jury trial, Mr Johnston was found guilty of the sexual violation by unlawful sexual connection of a 14-year-old victim.

[2] He seeks leave to appeal against a Court of Appeal decision denying his application for bail pending appeal.¹

Court of Appeal decision

[3] In its decision denying Mr Johnston's application for bail, the Court of Appeal noted that Mr Johnston had not shown any change in circumstances with regard to the fresh application for bail to the Court.² The Court also did not consider his personal circumstances to be exceptional.³ In addition, the Court of Appeal said that nothing at that stage indicated that Mr Johnston's grounds of appeal are particularly strong.⁴

[4] In all the circumstances, and having regard to s 14(3) of the Bail Act 2000, the Court of Appeal was not satisfied that the overall interests of justice required the application for bail to be granted.

Grounds of the application

[5] Mr Johnston submits that the Court of Appeal erred in its preliminary assessment of the merits of his appeal.

[6] Mr Johnston seeks an oral hearing of his leave application.

Our assessment

[7] The application relates to the particular circumstances of Mr Johnston's case. No issue of principle arises. Further, nothing raised by Mr Johnston suggests that the decision of the Court of Appeal may have been in error. In particular nothing raised suggests that the merits of his conviction appeal are so compelling that bail ought to have been granted. It is therefore not in the interests of justice to grant his application for leave.⁵

¹ *Johnston v R* [2024] NZCA 505 (Collins, Brewer and Osborne JJ).

² At [6]–[7] referring to s 54(2)(c) of the Bail Act 2000.

³ At [8].

⁴ At [9].

⁵ Senior Courts Act 2016, s 74(1).

[8] In the circumstances we do not consider the Court would be assisted by an oral hearing of the application.

Result

[9] The application for leave to appeal is dismissed.

Solicitors:

Te Tari Ture o te Karauna | Crown Law Office, Wellington for Respondent