

Media Statement from the Chief District Court Judge

20 September 2021

For immediate release

The Chief District Court Judge has released the following media statement and timeline in respect of the release of the person on bail who has subsequently tested positive for COVID-19 and the lawfulness of people being bailed to addresses outside of the COVID-19 Alert Level 4 boundary.

To be attributed to the Chief District Court Judge, Judge Heemi Taumaunu:

The person had been remanded in custody and held in the Mt Eden Corrections Facility since 27 April 2021 until they were released on electronically monitored bail on 8 September 2021, in accordance with the Bail Act 2000.

Whether or not to grant a person bail is a decision made by the presiding judge. The judge will consider a range of factors set out in the Bail Act 2000 including the seriousness of the charges and the time already spent in custody. In this case, the judge was satisfied that the grant of electronically monitored bail and the proposed bail address were appropriate.

Strict conditions were imposed by the judge in this case, including that a specified family member was to collect him from Mt Eden Corrections Facility and transport him directly to the bail address without any unnecessary stops and that he reside at the bail address 24 hours a day, seven days a week and not move or leave that address without prior approval. This would be monitored electronically.

The COVID-19 Public Health Response (Alert Level Requirements) Order (No 11) 2021 was in force when this person was released on electronically monitored bail on 8 September 2021. That Order permitted people released on bail to travel out of Auckland and across the Alert Level 4 boundary.

The leadership of the District Court has been working closely with justice sector agencies throughout the COVID-19 pandemic to ensure best practice is followed, which is consistent with the requirements of public health orders. Processes and court protocols are also reviewed as needed in the changing COVID-19 environment.

The following timeline sets out the court events and decisions that led to this person receiving bail and the conditions that were imposed on their release.

ENDS

Timeline of court events relating to Manukau District Court COVID-19 case

(27 April 2021 – 17 September 2021)

- **27 April 2021** – The person was arrested on breach of bail and other charges. He has been continuously remanded in custody since that date.
- **11 August 2021** – Sentencing set down for 24 September 2021. Provision of advice to the court (PAC) Report and appendices directed. The person remanded in custody.
- **23 August 2021** – Electronically monitored bail application filed.
- **2 September 2021** – Electronically monitored bail report completed.
- **6 September 2021** – Audio-visual link appearance for electronically monitored bail application. Adjourned to following day for “clarity re: paperwork re: Level 4 lockdown and travel out of Auckland.”
- **7 September 2021** – Audio-visual link appearance. Electronically monitored bail granted to take effect from 9.00am, 8 September 2021 on the basis that a specified family member was to collect him from Mt Eden Correctional Facility and “transport him directly to [bail address] without any unnecessary stops and [for them] to return directly to the Auckland border.”
- **8 September 2021** – The person is released from Mt Eden Corrections Facility.
- **16 September 2021** – The court was advised that the electronically monitored bail address is no longer available for the person. Electronically monitored bail is revoked and a warrant to arrest issued.
- **17 September 2021** – The person appears in the Manukau District Court and is remanded in custody.

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