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**IN THE YOUTH COURT  
AT AUCKLAND**

**CRI-2018-204-000085  
[2018] NZYC 412**

**NEW ZEALAND POLICE  
Prosecutor**

v

**[SD]  
Young Person**

Hearing: 5 July 2018

Appearances: D Robertson for the Prosecutor  
M Winterstein for the Young Person

Judgment: 5 July 2018

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**ORAL JUDGMENT OF JUDGE H M TAUMAUNU**

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[1] As I said to you before [SD], I do not think I have ever seen a more positive report from residence ever and I have been doing this a while. So this is the best report I have ever seen from residence about early release. There is no question that you will be granted early release today, all of the legal tests that have to be applied are satisfied in your favour today. So you are going to be able to leave residence today and re-join your family.

[2] I have been impressed with the work that has been done in anticipation of your release. I see that there have been home visits organised and so obviously staff from residence have been involved heavily in this transition from where you are at the moment to back to your family. And also I see that the arrangements put in place with the rugby league team have been also, I think, an excellent idea as a pro-social activity for you. But also it has required a lot of effort from people around you, supporting you, to put all of those things in place as well as the employment opportunity that you are going to now be able to take up, now that you are going to be released.

[3] As far as the actual test is concerned, it is pretty clear, you have not offended while you have been in residence, you have complied satisfactorily with the conditions of your supervision with resident sentence. And satisfactorily is the legal test but you have done exceptionally well in terms of your compliance and as well as that you have not absconded. And ultimately, it seems to me that you well and truly deserve early release.

[4] Even though it was a touch and go decision that Judge Walker had to make in your favour last time, it is not a touch and go decision today, it is absolutely in your favour today. You have done what was required of you and you have done more than that, you have exceeded expectations. And what I have directed the registrar to do today, is to send a copy of your early release report to Judge Walker, so that he realises that everything hoped would happen, by allowing you to remain in the Youth Court, has actually happened so far.

[5] I am also going to do that with your effectiveness report that I will receive at the end of your supervision order. Because when your social worker writes me that report I think it is important Judge Walker also gets a copy of that report, to just show

that you were worth giving some opportunity and that is exactly what Judge Walker did and that is what you are getting again today.

[6] So you are released early on the basis that you satisfied the legal test. A supervision order is now made for seven months. It is made on this basis. You will have to comply with the additional conditions. And the way I have amended the plan is I have now made each of those conditions numbered consecutively, 1 to 7 and it is on those conditions that you are now ordered to undertake supervision.

[7] It is important you realise what those additional conditions actually are, because you are expected to comply with them. I have got a great deal of confidence that you actually will comply with these conditions but I think it is important that I go through the conditions with you briefly, so that you know exactly what it is I am talking about. So when you are released today:

- (a) You have to live with your mother at [address deleted].
- (b) There is a curfew in place, it is from 9 o'clock at night until seven in the morning, so you are expected to stick to that curfew. There are exceptions, you are allowed out with your mum or an adult approved by your social worker in writing. So do not forget that, the adult has to be approved by your social worker in writing, that is the only other exception, apart from Mum.
- (c) Employment: You are to attend work at [employment details deleted]. It is from Monday to Friday 8.30 am to 5.00 pm unless you are sick. So you are expected as part of this order to go to work.
- (d) The mentoring programme is also a condition. You are to engage with your mentoring and that will be arranged by your social worker.
- (e) You are also to attend rugby training on Tuesdays and Thursdays from 6.30 pm at the [training grounds deleted] and also your competition game on Saturday during the rugby season. You are to be accompanied

by an adult approved by your social worker during those trainings and during the games.

- (f) You are not allowed to associate with any of your co-offenders for the next seven months, that is the duration of this order.
- (g) You are not to consume any illegal drugs or alcohol for the duration of the order.

[8] So it is hoped that these conditions will assist you [SD], to move on with life and leave the Court behind you and learn all the lessons that you have learnt so far and apply them now when you are released back to your family. We do not expect to see you back in Court again for anything of this type of activity [SD]. In fact what we do expect to see you do is stick to these conditions and make the most of your life with your family.

[9] That is all that I have for you today and good luck in the future, you are able to be released now and the order will be served on you when you leave.

H M Taumaunu  
District Court Judge