

**IN THE SUPREME COURT OF NEW ZEALAND**

**SC 13/2009  
[2009] NZSC 49**

**DAVID CULLEN BAIN**

**v**

**THE QUEEN**

**Court:** Elias CJ, Blanchard, McGrath, Wilson and Gault JJ

**Counsel:** H A Cull QC and P A Morten for Appellant  
K Raftery and C L Mander for Crown

**Judgment:** 6 March 2009

**Reasons:** 18 March 2009

**Recall of Judgment:** 25 May 2009

---

**JUDGMENT OF THE COURT (RECALL)**

---

- 1 Order D of the Court's judgment of 6 March 2009, as appearing in its reasons of 18 March 2009, is revoked and replaced by the following order:**

**D Until further order of the Court, the reasons for judgment are not to be distributed except to the appellant and his counsel and counsel for the respondent.**

- 2 The restriction on publication of the Court's judgment and reasons in the news media or on internet or other publicly accessible database will also apply until further order of the Court.**

Of its own motion the Court recalls its judgment of 6 March 2009 in order to amend the order prohibiting distribution of the reasons for judgment and the restriction on publication. The Court is concerned that there may not be sufficient clarity in the expression “until completion of retrial” and is therefore replacing that expression with “until further order of the Court”.

Solicitors:  
Duncan Cotterill, Auckland for Appellant  
Crown Law Office, Wellington