



## REASONS

### Introduction

[1] This application concerns the extent of police powers to enter a property under s 8 of the Search and Surveillance Act 2012 (SSA).

### Background

[2] On Boxing Day 2018, Mr Round drove very erratically from the supermarket to his home, colliding with two vehicles and failing to stop. There were numerous witnesses and multiple calls were made to 111.

[3] Shortly after, three police officers arrived at Mr Round's property. After Mr Round failed to answer the door, they decided to use a spare key to enter the house relying on the powers under s 8 of the SSA.

[4] Mr Round refused to take a breath screening test and also refused to accompany the police for an evidential breath or blood test. The officers then arrested him.

[5] Mr Round seeks leave to appeal against the Court of Appeal decision that the officers' actions were lawful.<sup>1</sup>

### Our assessment

[6] Mr Round's application for leave to appeal was one day late but, as the Crown does not oppose an extension of time, an extension is granted.

[7] We do not, however, consider that it is in the interests of justice for this Court to hear the proposed appeal pre-trial.<sup>2</sup> Mr Round can still raise the issues in any appeal should he be convicted.

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<sup>1</sup> *Round v R* [2020] NZCA 557 (French, Mallon and Ellis JJ)

<sup>2</sup> Senior Courts Act 2016, s 74(4).

## **Result**

[8] The application for an extension of time to apply for leave to appeal is granted.

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

[10] For fair trial reasons, we make an order prohibiting the publication of this judgment and any part of the proceedings (including the result) in news media or on the internet or other publicly available database until the final disposition of trial. Publication in a law report or law digest is permitted.

Solicitors:  
Crown Law Office, Wellington for Respondent