



Supreme Court of New Zealand

23 March 2009

MEDIA RELEASE – FOR IMMEDIATE PUBLICATION

DEBORAH GORDON-SMITH v THE QUEEN
(SC 32/2008) [2009] NZSC 20

PRESS SUMMARY

This summary is provided to assist in the understanding of the Court's judgment. It does not comprise part of the reasons for that judgment. The full judgment with reasons is the only authoritative document. The full text of the judgment and reasons can be found at www.courtsofnz.govt.nz.

This appeal concerns the practice colloquially known as jury vetting. The police make inquiries to ascertain whether prospective jurors have any non-disqualifying convictions. They then advise the Crown prosecutor of the result of their inquiries.

The High Court ruled that this practice was unlawful. The Court of Appeal reversed that decision, declaring that the practice was lawful. This Court has confirmed that view.

A second issue involved whether the Crown was obliged to pass on to the defence all the information obtained from the police. The Court has upheld the decision of the Court of Appeal that the Crown is not obliged to pass on all the information. The Supreme Court has ruled that the Crown should disclose to the defence any previous conviction of a potential juror known to it, if the previous conviction gives rise to a real risk that the juror might be prejudiced against the accused or in favour of the Crown. Disclosure should not otherwise be made.

Contact person: Gordon Thatcher, Supreme Court Registrar (04) 914 3545