

NOTE: PUBLICATION OF NAMES, ADDRESSES, OCCUPATIONS OR IDENTIFYING PARTICULARS OF COMPLAINANTS PROHIBITED BY S 203 OF THE CRIMINAL PROCEDURE ACT 2011. SEE

<http://www.legislation.govt.nz/act/public/2011/0081/latest/DLM3360350.html>

NOTE: HIGH COURT ORDER IN [2023] NZHC 3172 PROHIBITING PUBLICATION OF NAMES, ADDRESSES, OCCUPATIONS OR IDENTIFYING PARTICULARS OF WITNESSES (C AND R) AND CONNECTED PERSONS (G, V AND FOUR BUSINESSES AND/OR COMPANIES) PURSUANT TO S 202 OF THE CRIMINAL PROCEDURE ACT 2011 REMAINS IN FORCE. SEE

<http://www.legislation.govt.nz/act/public/2011/0081/latest/DLM3360349.html>

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

**SC 45/2025
[2025] NZSC 115**

BETWEEN PATRICIO ANDRES
 ALVAREZ-RIVEROS
 Applicant

AND THE KING
 Respondent

SC 46/2025

BETWEEN G (SC 46/2025)
 Applicant

AND THE KING
 Respondent

SC 47/2025

BETWEEN MATTHEW JOHN WILDING SPRATT
 Applicant

AND THE KING
 Respondent

BETWEEN

NICHOLAS MOURIRI HAMILTON
HALL
Applicant

AND

THE KING
Respondent

Court: Ellen France, Williams and Miller JJ

Counsel: R M Mansfield KC and H C Stuart for Applicants in SC 45/2025
and SC 46/2025
C A Gentleman for Applicants in SC 47/2025 and SC 48/2025
H G Clark for Respondent

Judgment: 9 September 2025

JUDGMENT OF THE COURT

The applications for leave to appeal are dismissed.

REASONS

[1] The four applicants seek leave to appeal a judgment in which the Court of Appeal upheld the High Court's refusal to order suppression of their names, or in G's case that of an unincorporated reggae music festival associated with him, in connection with the trial and conviction of the first applicant, Mr Alvarez-Riveros, for sexual offences.¹ Messrs Spratt and Hall also seek leave to appeal the Court of Appeal's refusal to order suppression of evidence and submissions relating to their applications for name suppression and their subsequent appeal.

[2] Mr Alvarez-Riveros stood trial in 2023 on 25 charges involving nine complainants. He was convicted of two offences, indecent assault and attempted

¹ *Hall v R* [2025] NZCA 121 (Ellis, Peters and Downs JJ) [CA judgment]; and *R v Alvarez-Riveros* [2023] NZHC 3172 (Harvey J).

unlawful sexual connection, against one of them. The victim was an adult babysitter who was sleeping over at his accommodation.

[3] Messrs Spratt and Hall were Crown witnesses at the trial. It is not suggested that they were complicit in Mr Alvarez-Riveros's offending.

[4] G's name (and that of his wife and four of their entities) was suppressed in the High Court. Through one of those entities, G and his wife purchased the music festival, which is called "One Love", from Mr Alvarez-Riveros in 2021.

[5] The High Court and Court of Appeal found that Mr Alvarez-Riveros could not show that publication would cause him extreme hardship,² and none of the other three applicants could show that it would cause them undue hardship.³

[6] Mr Alvarez-Riveros's proposed appeal rests on the impact of social media abuse of himself and his business interests and prospects. He has been falsely accused of conduct with which he was never charged, including offences against children. He points to claims that he should be "cancelled" and forced to leave the music industry. He contends that such publication can force a defendant into isolation and its associated loss of economic and social opportunity.

[7] We are not persuaded that his proposed appeal warrants leave. The Court of Appeal accepted that social media vilification can cause extreme hardship but found that the statutory standard was not met on the facts.⁴ The leading cases, *X v R* and *DV v R*, were distinguished on the grounds of the offenders' youth and discharges without conviction in those cases.⁵ The proposed appeal does not have sufficient prospects of success to justify leave.⁶

[8] Messrs Spratt and Hall contend that their proposed appeals raise an issue of general or public importance in that there will be a chilling effect on witness

² In the High Court, Mr Alvarez-Riveros also unsuccessfully relied on the ground set out in s 200(2)(e) of the Criminal Procedure Act 2011.

³ G did not pursue that argument in the Court of Appeal.

⁴ CA judgment, above n 1, at [27] and [29].

⁵ At [29] citing *X v R* [2020] NZCA 387, (2020) 30 CRNZ 296 and *DV v R* [2021] NZCA 700.

⁶ See Senior Courts Act 2016, s 74(1).

co-operation if suppression is refused in high profile cases such as this.⁷ They say that they and people connected to them have suffered direct aggressive messaging about their perceived involvement in the trial and that their business interests are at risk. They also seek to argue that they ought to have been granted suppression since other witnesses in a very similar position were granted suppression.

[9] We do not consider that any question of general or public importance arises with respect to these proposed appeals. The grounds are fact-specific and in this case the Courts below found that the applicants simply did not cross the threshold.

[10] G's proposed appeal contends that his name (and that of his wife and four of their entities) was properly suppressed but the High Court Judge inexplicably failed to extend the order to One Love, which will suffer through its connection to Mr Alvarez-Riveros.

[11] The Court of Appeal was troubled by the fact that G, his wife and their other entities had been granted suppression in the High Court.⁸ It doubted whether any of them were connected persons for purposes of s 202 of the Criminal Procedure Act 2011 at all.⁹ The Court also doubted whether One Love was a person.¹⁰ We do not find it is necessary to address these questions in this case. As the Court of Appeal observed, what G really sought all along was the suppression of Mr Alvarez-Riveros's name and that of One Love.¹¹ It also observed that One Love was purchased despite knowing that Mr Alvarez-Riveros had been charged with sexual offences.¹² The proposed appeal has insufficient prospects of success to justify leave.¹³

[12] The applications for leave to appeal are dismissed.

Solicitors:

Lateral Lawyers, Auckland for Applicants in SC 45/2025 and SC 46/2025
Te Tari Ture o te Karauna | Crown Law Office, Wellington for Respondent

⁷ See s 74(2)(a).

⁸ CA judgment, above n 1, at [62]–[65] and [70].

⁹ At [65].

¹⁰ At [68].

¹¹ At [66].

¹² At [69].

¹³ See Senior Courts Act, s 74(1).