

**INTERIM ORDER CONTINUING SUPPRESSION OF NAME, ADDRESS,
OCCUPATION AND IDENTIFYING PARTICULARS OF THE APPELLANT
ON THE TERMS AND FOR THE PERIOD IN [5].**

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

**SC 29/2025
[2025] NZSC 159**

BETWEEN M (SC 29/2025)
 Appellant

AND THE KING
 Respondent

Court: Glazebrook, Ellen France, Williams, Kós and Miller JJ

Counsel: R M Mansfield KC and J E L Carruthers for Appellant
 F R J Sinclair and L J Sullivan for Respondent

Judgment: 10 November 2025

JUDGMENT OF THE COURT

- A Leave to appeal is revoked (*M (SC 29/2025) v R* [2025] NZSC 86).**
- B The appeal hearing scheduled for 13 November 2025 is vacated.**
- C We make an interim order continuing suppression of the name, address, occupation and identifying particulars of the appellant on the terms and for the period specified below a [5].**
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REASONS

Introduction

[1] On 22 July 2025, this Court granted Mr M leave to appeal¹ against the decision of the Court of Appeal² upholding the High Court decision³ denying the appellant continued interim name suppression.

[2] Mr M was charged with murder. He was 17 years old at the time of the alleged offending and 19 at the time of trial. He was acquitted on 23 October 2025.

Parties' submissions

[3] Mr M wishes his appeal to continue despite his acquittal. His counsel acknowledges that the appeal is moot in Mr M's case but submits that there remains considerable value in the appeal continuing because the Court of Appeal decision in this case is used as authority for declining interim name suppression for youths, including very young defendants. In counsel's submission, this is a matter of general or public importance, and it is unlikely this Court will have a chance to consider it in the near future as a case is unlikely to reach this Court and be argued and decided before trial.

[4] The Crown submits that it is inappropriate for the appeal to proceed as the issue is now academic. It is submitted that Mr M's appeal does not raise issues of sufficient public interest to warrant the exceptional course of hearing an appeal in the absence of live controversy. This Court recently considered the issue of name suppression for youth in *M (SC 13/2023) v R*.⁴ It is submitted further that the issues raised on appeal do not lend themselves to general guidance in the abstract, which may benefit the lower courts in future cases. Applications for name suppression are necessarily fact and context dependent.

¹ *M (SC 29/2025) v R* [2025] NZSC 86 (Ellen France and Kós JJ).

² *[M] v R* [2025] NZCA 34 (Palmer, Whata and Downs JJ).

³ *R v [M]* [2024] NZHC 1157 (Wilkinson-Smith J).

⁴ *M (SC 13/2023) v R* [2024] NZSC 29, [2024] 1 NZLR 83.

[5] The Crown accepts that it would be appropriate to continue interim name suppression for 20 days to allow Mr M to file an application for permanent name suppression. Should such an application be filed within that period, suppression should continue until the application is determined.

Our assessment

[6] We accept that the appeal raises an issue of general or public importance.⁵ Hence the grant of leave.

[7] We, however, do not consider that it is appropriate for the appeal to continue given the changed circumstances. Any consideration of the appeal would inevitably be coloured by Mr M's acquittal. The issue of general or public importance identified will need to be addressed in an appeal where there has been no final resolution of the charges.

Result

[8] Leave to appeal is revoked.

[9] The appeal hearing scheduled for 13 November 2025 is vacated.

[10] We make an interim order continuing suppression of the name, address, occupation and identifying particulars of the appellant on the terms and for the period specified above at [5].

Solicitors:

Te Tari Ture o te Karauna | Crown Law Office, Wellington for Respondent

⁵ Senior Courts Act 2016, s 74(2)(a).