

SUSPENSION OF JURY TRIALS`
DISTRICT COURT INTERIM RESPONSE
THURSDAY 19 MARCH 2020

1. A decision has been taken to cancel all jury trials currently listed to be heard over the next two months. The Chief Justice's Judicial Steering Group on COVID-19 chaired by Justice Miller will closely monitor the situation and advise accordingly. In the meantime, the following will apply effective for District Court jury trials due to commence from next week and will go into effect on Monday, 23 March 2020. District Court Judges who are currently presiding over trials will closely monitor those trials and make decisions about whether those trials continue.
2. The following approach is based on meeting the objective of coming out of the suspension period in the best shape to, both, resume trials and resolve existing trials in the meantime:
 - (i) For all District Court jury trials set down to commence in the following two months, we advise the Crown not to stand down their witnesses. Defendants and counsel will be informed by the trial judge that the trial can proceed if the defendant applies to vacate his or her election to jury trial. A reasonable time will be afforded to counsel and the defendant to consider their position. It is acknowledged that the vacation of the election may have more appeal to those in custody than those on bail.
 - (ii) Those who do not wish to vacate their election will be remanded to a date in the week of 18 May 2020 (which coincides with the current two months' suspension) as a nominal call-over date for a trial date to be set or further remand. Trials are unlikely to be given new dates at this stage. Any bail applications arising from adjournments of trials should ideally be dealt with by one Judge or a coordinated pool of Judges in each Registry (as is reasonably achievable).
3. Accepting there are regional and Registry variations, once trials set for next week are dealt with, the subsequent days should be utilised to set down callovers for all defendants awaiting trial in the next two months. At those callovers they will be asked through their counsel if they wish to vacate their election or want a sentencing indication or both.
4. While the above matters are put in place, the Registry will be asked to plan to bring forward pre-trial applications, sentencings and other appropriate matters. It is accepted that this will be dependent on variables such as availability of pre-sentence reports.

5. Again, on a Registry by Registry basis, we will need to ring fence some time in the future to list trials for hearing when the current situation concludes and there is a resumption to business as usual.
6. All of the above is dependent on Corrections and Police capacity to deliver defendants on remand, accommodate communications with counsel and court, and support hearings.
7. The above process is based on the current understanding of the effect of COVID-19 on the work of the Courts and may need to be altered from time to time. We know that we have a hardworking and dedicated group of judges who will adapt in this difficult time to ensure that we can still hear and resolve as many cases as possible.

A handwritten signature in black ink, consisting of several overlapping, sweeping strokes that form a stylized, somewhat abstract shape.

Heemi Taumaunu
Chief District Court Judge