

**IN THE DISTRICT COURT
AT MANUKAU**

**CRI-2015-092-007288
[2016] NZDC 15474**

THE QUEEN

v

SHAY GARY WILLIAM WALKER

Hearing: 15 June 2016
Appearances: E McCaughan for the Crown
Defendant Appears in Person
Decision: 15 August 2016

**DECISION OF JUDGE A J JOHNS
Order for Costs Pursuant to s 364 Criminal Procedure Act 2011**

[1] On 15 June 2016 I delivered a Minute indicating that I was proposing to impose costs against Ms Newton for her failure to advise Court that she was not proceeding with a half day pre-trial fixture.

[2] In the Minute I invited Ms Newton to respond by 6 July 2016 and to date there has been nothing from her.

[3] In relation to s 364 of the Act, the sum must be no more than is just and reasonable in light of the costs incurred by the Court, victims, witnesses and any other person.

[4] Clearly, costs have been incurred by the Crown who had to prepare for the pre-trial hearing and attend Court and the Manukau District Court, and as I said in

my 15 June 2016 Minute, Ms Newton failed to advise the Court she did not need the fixture, but did not even attend on the day the matter was called.

[5] In the circumstances, I consider that a just and reasonable amount is a sum of \$500. This is an award of costs against Ms Newton personally and \$250 is to be paid to the Ministry of Justice and \$250 to the Crown solicitor's office.

A handwritten signature in black ink, appearing to be 'A J Johns', with a stylized flourish at the end.

A J Johns
District Court Judge