

Losing a loved one to homicide is an extremely traumatic experience and can be very challenging for families facing the judicial process that lies ahead for them. What people may not realise is that after sentencing the offender can lodge an appeal against their conviction or sentence. This may or may not be heard at the Court of Appeal.

In this edition, you will find a heartfelt personal story from a mother who attended an *appeal hearing*. You will also find useful information from Crown Law.

We hope this newsletter provides some useful information and encouragement to you all.

Personal Experience for Attending Appeal Hearing

Tina Bayliss

My name is Tina Bayliss and my 13 year old daughter Jade Bayliss was murdered nearly four years ago in Christchurch NZ.

Unfortunately we were put through the terrible process of a trial which lasted a very long 3 weeks which felt like we were on trial not Jades killer.

After this long awaiting period of time when the guilty verdict is read out a big sigh of relief was heard through the Court room by everyone, when I say everyone I am meaning myself, family, friends, Police, Detectives, Lawyers, Victim Support, Press and the general public who were there supporting the trial.

Sadly for us the sigh of relief was very quick as soon as the sentence was handed down to him we were informed of an appeal!! Yes an appeal. *Continued....*

APPEAL HEARING

How to Prepare for Appeal Hearing

Appeal Hearings are usually a half or full day event and can be stressful for families and friends who want to attend the hearing. Here are some tips to help prepare yourself:



Contact Victim Support

It is important for you to re-engage with Victim Support as we can support you through the process. You don't have to face this alone.

Knowing agencies roles

Victim Support will help you to understand each role in the process, liaise with other agencies and ensure up-to-date information is provided to you.

Financial Assistance

Victim Support also administers funding on behalf of Ministry of Justice to assist families to attend an appeal hearing:

Homicide Travel Assistance: up to 6 people can receive financial assistance for up to \$3000 each to support their travel to appeal court

High Court Attendance: \$124/per day or \$62/half day would be funded for up to 5 family members attending the Appeal Court hearing to cover their loss of income

Counselling

Victim Support can also support you to engage with a counsellor to help you prepare emotionally for attending the appeal hearing.

Ways to Take Care of Yourself

It can be hard sometimes to take time out and focus on just looking after yourself. Here are some suggestions which have been helpful for others in stressful times but there are many other ways that you can do this.

Emotional:

- Accept your feelings and thoughts
- Allow yourself to feel sad, angry, hurt, etc
- Share feelings to trusted friends or family
- Express your thoughts & feelings in a journal
- Hug someone and let yourself be hugged
- Affirm and appreciate yourself daily
- Spend time with people who would cheer you up

Physical

Some people find being active can help them:

- Channel your thoughts and feelings and do some physical exercise.
- Breathing techniques and mindfulness
- Take a walk in a garden or park
- Take a warm bath and have a pampering massage
- Go offline and turn off your mobile phone, just to give some personal time to yourself
- Pick up a new hobby
- Look after your physical health, nutrition, sleep, exercise, minimize alcohol use.

Looking back I was so glad I had gone through the process with Victim Support and the Police otherwise I would have been in the dark and I know I would of felt lonely.....

Tina Bayliss



Can you believe we have got to sit through this whole experience yet again?

After waiting months on end wondering why we haven't heard anything out of the blue the dreaded phone call arrived from the press, yes we heard it first through the press wanting a story of my feelings towards this. Not long after the call from the press Victim Support called to confirm that a date had been made and discuss my options and explain my rights. After meeting with Victim Support and them taking control of arrangements for accommodation and flights it was time to look back and remember where I got my strength from during the trial as I knew tough times were approaching quickly.

After talking several times to Victim Support and Jades Detectives to find out why Jades killer was allowed the right to appeal I sadly learnt he had been working alongside his lawyers for an appeal as he is still convinced he did not kill my girl, the upsetting part was I was not really allowed to contact my lawyer as this is not normal practice and I would meet them on the morning of the hearing, however I did find out what he was appealing against and sat wondering for weeks if we missed anything in the trial or if we got it wrong or even did we get the right person, the thoughts and anxiety were overwhelming.

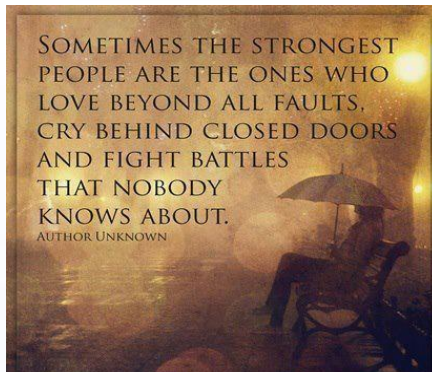
On the morning of the hearing I headed off to the Appeal Court with knots in my stomach and tears in my eyes knowing what I was about to hear was going to bring memories flooding back. I waited patiently for the lawyers that were defending Jade to arrive and they introduced themselves to me and briefly ran through the process but it was just like listening to nothing as my head was not in the right frame of mind to take any information on board.

Looking back I was so glad I had gone through the process with Victim Support and the Police otherwise I would have been in the dark and I know I would of felt lonely as one thing I haven't mentioned that we emigrated to NZ back in 2006 with now my ex-husband and our 3 children so to go to the Appeal Court whilst my ex-husband looked after our kids was definitely a daunting experience on my own without my family supporting me (even though in spirit they were they were not sat beside me)

Sitting waiting for the TV link to come up on the screen with a live link to the prison felt like I was being re victimised all over again having to see his face and listen to his voice I knew instantly that the right guy was behind bars and that my negative thoughts were just normal but it all came rushing back to me what kind of a person this man is and that I will carry on this fight for the rest of my life and it will never disappear but every time he wants to make a stand I will be waiting with more strength and willpower to knock him down again. *Continued...*

People have asked me why I wanted to go as it is not compulsory but I knew I had to be there on the day as I was there every day during the trial and it would have been worse if I was sat wondering what was being discussed and what the lawyers were arguing about.

It's now been three weeks and I have not heard anything back from the Court Of Appeal on whether there is going to be a re-trial and every time my phone rings I think here we go but still waiting and I am pretty positive that we will have a positive outcome.



The Role of Crown Law

Shelley Smith
Fixtures Administrator, Crown Law

Who are we and what do we do?

We are often confused with Crown Solicitors and Crown Solicitors offices. Crown Solicitors and their staff are employed by private firms around the country and conduct all Crown prosecutions in the District and High Courts. They also deal with appeals to the High Court against non-Crown prosecutions (the old summary cases).

Crown Law deals with all criminal appeals from Crown prosecutions. This includes all appeals to the Supreme Court (including applications for leave to appeal), all appeals to the Court of Appeal (which will include all appeals from jury trials) and a small number of appeals to the High Court (only where a District Court Judge-alone trial was conducted by the Crown Solicitor; these are usually serious cases where the defendant has not elected trial by jury).

Our main office is in Wellington. We also have a small office in Auckland but all our administrative and support staff are based in Wellington (we have some lawyers based in Auckland as a number of Court of Appeal matters are heard there). *Continued...*

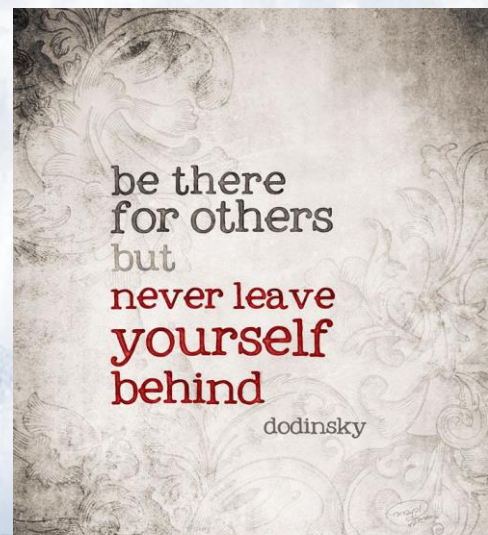
Ways to Take Care of Yourself

Mental

- Listen to music
- Avoid making major decisions if you don't feel up to it
- Have a vase of fresh flowers on your desk
- Shield yourself from negativity
- Paint or create
- Take leisurely drives
- Brighten up your wardrobe
- Make future plans and goals, start with small steps

Spiritual

- Connect with nature
- Practice meditation and prayer
- Visualize yourself in a peaceful place
- Connect to your local church or spiritual community
- Read self-help books
- Go on a meditation retreat
- Write a love letter to yourself



Victim Conference 2015



Red Raincoat NZ Trust
To Know That You Are Not Alone

The process for each appellate Court is slightly different:

Supreme Court

We will first be served with a notice of application for leave to appeal. Both sides file written submissions as to whether leave should be granted or not. Most applications are determined on the papers, without a hearing – and in the vast majority of these leave is refused so the matter comes to an end without any Court appearances at all.

Sometimes the Court will ask for a hearing about whether leave should be granted. That will then be set down and heard. A decision will subsequently be issued either granting or refusing leave.

If leave is refused, again that's the end of it. If leave is granted the matter will then be set down for a full hearing which will probably be months away. There will then be another delay between the hearing and the release of a decision. So for the very few matters which reach this point it can be a very long process. Hearings are generally open to the public so anyone may attend. Where an offender is in custody they will not be brought to Court for the hearing – on very rare occasions they may be permitted to watch the proceedings (or participate if self-represented) by video link. Usually only the lawyers and Judges are present.

Court of Appeal

There is usually no leave application required, and even if there is it is usually dealt with at the same time as the full appeal. The normal process is that we receive a notice of appeal. We are then advised of a fixture date. The hearing can take between 45 minutes to one day, and is usually heard before three Judges. Usually only counsel for the Crown and the appellant are present at the hearing, although the hearings are public so anyone may attend if they wish. Again, the appellants themselves are very rarely present at appeal hearings – only if they are not in custody and wish to attend. If in custody they may attend by video link but again this is rare. Both parties file written submissions prior to the hearing which will be considered by the Judges.

The appeal will then be argued at the hearing. The Court does not usually give a decision on the day of the hearing, it can take several weeks (or even months) before the result is known. *Continued...*

The Red Raincoat NZ is delighted to announce that this year's Victims Conference will go ahead.

When: 18 - 20 September 2015

Where: Hawke's Bay

Keynote Speaker: Minister Amy Adams

For any further information and registration for the conference please contact:

Debbie Marlow

E-mail: debbie@rrt.org.nz

You can also visit:

Website: www.redraincoat.org.nz

Facebook: <https://facebook.com/redraincoatnz>

We should appreciate your feedback regarding our newsletter. Feedback can be sent to homnews@victimsupport.org.nz

High Court

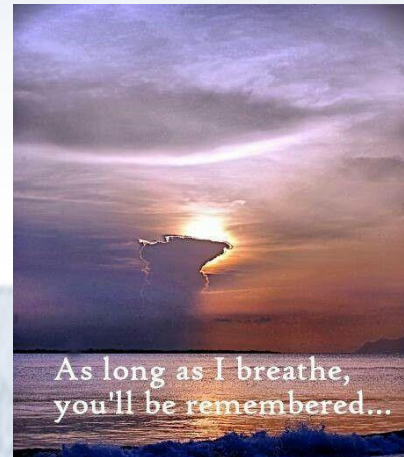
High Court appeals are very similar to the Court of Appeal but are heard before one Judge. However, often we are given a fixture date at the same time as we receive the notice of appeal. These appeals are often heard at quite short notice.

How we interact with victims

Our current process has just changed after meeting and discussions with Victim Advisors:

We will be passing all relevant information about appeals on to both Victim Advisors and the Police O/C at the same time. Victims are then contacted by both the Police and the Victims Adviser given their different roles. We will no longer be contacting victims directly ourselves – we think this is best left to the Victim Advisor and the Police so the victims have the same local points of contact they have had throughout the prosecution rather than having yet another agency approach them.

If a victim has chosen not to accept the VA services they will let us know so we can make sure the victim is advised of fixture dates and appeal results as required by Section 12 of the Victims Rights Act 2002.



“Survivors of homicide come from all walks of life and backgrounds but we have a common thread that ties us together. The aftermath is felt way beyond the immediate family, the ripple effect of one senseless and violent death, impacts hundreds if not thousands of people.”

“We want the Taken site to reflect on just how fragile and precious life is, and how bad decisions can lead to irreversible consequences and heartache. But more than that we want to encourage personal responsibility, that through the simple things we do, the choices we make and the way we treat others we can make a positive difference to those around us and help create safer communities,” added Alan.

The Taken community will also extend to Facebook where further advice and discussion around homicide and our society will take place (visit www.facebook.com/takenlifetrust)

Placing a tribute on the Taken website is free and will include uploading a photo and completing a short tribute page with the relevant information. A photographic wall will form the home page of the site.

If you have had a loved one taken by homicide we would love to hear from you. If you would like to know how to place a tribute or would just like to know more about the Taken Trust please contact us at this email address. alan@taken.life

Taken – Homicide Memorial Website to Launch



Alan and Wendy Marshall

A website dedicated to honouring loved ones who have been taken by homicide is due to be launched in October this year.

www.taken.life will enable families who have lost a loved one through homicide to post a timeless tribute, providing those whose lives have been cut short with a voice and an enduring legacy.

Alan and Wendy Marshall, whose own son Andy was killed in a senseless act of violence in 2011, have initiated the Takenlife Charitable Trust.

“Homicide is a sensitive subject and we want people to feel safe and respected when they upload a tribute for a loved one, but we also want all New Zealanders to stop and think about the greater issues of violence and the untimely and unnecessary waste of life,” says Alan.