

R V BUSH

Instructions for Counsel

Gregory William Bush has been charged under section 13A of the Terrorism Suppression Act 2002, in that he intended to assist a known terrorist, who he was aware intended to carry out a terrorist act, to avoid arrest by harbouring him in his house.

Section 13A of the Terrorism Suppression Act provides:

13A Harbours or concealing terrorists

- (1) *A person commits an offence who, with the intention of assisting another person to avoid arrest, escape lawful custody, or avoid conviction, harbours or conceals that person,—*
- (a) *knowing, or being reckless as to whether, that person intends to carry out a terrorist act; or*
 - (b) *[...]*

A “terrorist act” is defined in the Terrorism Suppression Act to include an act that is intended to cause the death of, or other serious bodily injury to, 1 or more persons in order to induce terror in a civilian population.

The prosecution will be calling the evidence of the arresting officer, Detective Bill Wright. The defence will be calling only one witness, Mr Bush.

NOTE: Please remember the competition rule that requires you to assume that there are no Bill of Rights issues arising in this case.

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WITNESS BRIEF: PROSECUTION

Detective Bill Wright

My name is Bill Wright, and I am a 43 year old Detective stationed at the Auckland Central Police Station.

We have been conducting surveillance on a known terror suspect, Bubba Blair, for several months, since around early February 2015. Blair was a well-known trouble-maker, attending weekly neo-Nazi group meetings. The meetings had recently become more frequent, and we suspected that they were planning something big.

From the beginning of our investigation of Blair, he lived in the back of a beaten up old VW van. However, on 14 April 2015, Blair moved into a small house on 1 Peaceful Lane. Upon investigation, we discovered that the existing occupant of the house was Gregory William Bush, a university student who was renting it.

A couple of days after Blair moved in, we bugged the house at 1 Peaceful Lane. We heard several conversations that we assume were between Bush and Blair. We recognised Blair from previous encounters.

On 10 May 2015, at 10pm, we heard the first interesting conversation between Bush and Blair. So far we had gained no useful information, other than confirmation that there was some sort of gun present in the house. On the evening of 10 May, the pair appeared to be watching the late news on TV – a story outlining how John Key will be appearing at the opening of the Auckland Winter Festival.

The conversation went as follows:

Blair: *John Key deserves a bullet.*

Bush: [laughs] *You're absolutely right.*

Blair: *You know what, mate, I'm going to do the job myself. Kill him with a sniper shot when he goes to open that festival next Sunday. He'll be out in the open at the Viaduct, perfect chance.*

Bush: *Good on you mate.*

There was no further discussion on that point, but we took the conversation to mean that Blair would be attending the opening and attempting to assassinate John Key as he opened the festival.

We decided that the best course of action would be to pick Blair up immediately. As the lead detective on the case, I decided to approach the house and knock on the door myself. I was wearing jeans and a leather jacket, so would not alert the occupants or arouse any suspicion prior to making the arrest.

It was about 11pm by the time I approached the door. I knocked, and the door was answered by the man I knew to be Bush. I didn't say I was a police officer, instead I asked if Bubba Blair was in. Bush told me that he didn't know anyone by that name, and that he was on his own. I left the house and returned to the surveillance van.

We then overheard the following exchange:

Blair: *That'll be the undercover cops – they're onto me! I'd better get out of here.*

Bush: *You think? Just wait here.*

We decided to go in and arrest the both of them in a few hours so as to catch them unprepared. At 6am a team of 20 of us broke down the door and entered the house. Blair was arrested and taken to the waiting police car. I personally arrested Bush. I pulled him from his bed, and read him his rights before arresting him. The other officers were holding their guns on him, as we were not sure whether he would be armed.

After arresting him, I asked him whether he knew Bubba Blair. Bush denied knowing him. We then asked if he knew about the sniper gun that Blair had in the house (the officers had found this in the lounge room on the way through the house). He denied knowing anything about it. We then asked if he knew anything about the plan to assassinate John Key the following Sunday. He, again, denied knowing anything about it.

Bush was taken, along with Blair, to the Auckland Central Police Station and formally charged.

Upon a further search of Blair's bedroom, we discovered detailed plans on how he, and three others from the neo-Nazi group, were going to assassinate the prime minister at the opening of the Auckland Winter Festival. This material was found in a locked mechanics box. We have no doubt that Blair intended to carry out this act.

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WITNESS BRIEF: DEFENDANT

Gregory William Bush

My name is Gregory William Bush. I am a 20 year old arts student at the University of Auckland. I am in the third and final year of my Bachelor of Arts, majoring in Philosophy.

I rent a house at 1 Peaceful Lane. Prior to April 2015, I lived there by myself. On 14 April 2015, I had a flatmate move in with me. He told me his name was David Blair.

I met David on 12 April 2015 at a bar down the road from my house, called the Blue Room. I was sitting at the bar, waiting for my friend Chris from uni, and just started chatting with the guy who was sitting at the bar next to me. He introduced himself as David. We got to talking and started debating a few philosophical and political issues. His ideas were very out there, but it was fun debating with him. He mentioned that he was between places at the moment and was living out of his van. I told him that I had a spare room if he wanted a place to stay for a while, provided that he could pay the rent, which was \$90 a week. He agreed and said that he would stop by on Tuesday.

On Tuesday 14 April, David arrived at 11am. He didn't have that much stuff, but fortunately the house was already furnished. I did notice a large mechanics lock box which he had, but thought nothing of it. The people I was renting it off were away in Europe for a year, so it was a pretty good deal for me, as the \$90 was a bonus.

David kept pretty much to himself once he had moved in. Occasionally we'd both sit up and watch TV, but usually I'd be studying in my room and he would be out or doing something in his own room. It was a perfect set up really. I don't particularly like having the really social types of flatmates, as I also like to keep to myself and study.

When David and I did socialise, we would have philosophical debates. His ideas were very radical and I found that he was very extreme in his beliefs. I found it very interesting though, as his ideas and beliefs were similar to those that I encountered daily in my stage three philosophy papers at uni.

One thing that slightly bothered me about David was that he had a gun in a case that he left lying in the lounge. I asked him why he had a gun, and David said it was for hunting. I didn't really care why he had it, but I would prefer he kept it in a gun safe or hidden somewhere in his room.

On 10 May, we were up watching the late night news. I'd just come home from a big test and couldn't really be bothered doing much else. The big story on the news was that John Key was going to be opening the Auckland Winter Festival. During our earlier discussions, we had discovered that we both disliked John Key. When he came on TV, David said something like "he deserves a bullet". This was a common saying among our age group for people that we disliked. I laughed at this, and agreed. He then said that he would like to personally shoot him at the opening next Sunday as he would be out in the open and it was his perfect chance. He'd been out in the garden smoking marijuana all evening, so I assumed he was joking and getting a bit carried away. Anyway, I just ignored it and we watched some late night game show after that.

About an hour later, I heard a knock on the door. I answered it and there was a guy standing there in jeans and a leather jacket. He was very well built and looked fairly intimidating. He asked whether Bubba Blair was in. I wasn't sure who he was and he didn't introduce himself.

I wondered if he meant David, but I decided I couldn't be bothered going, so I told him that I didn't know anyone called Bubba.

I closed the door and David appeared from around the corner. He said that must have been undercover cops and that they were after him. He said he'd better go. I laughed at him, assuming that the paranoia from the drugs was kicking in finally. I decided to play along, which I have found to be the easiest way to deal with stoned people. I told him to wait at the house and crash for the night. He calmed down and we both went to bed.

The next thing I remember was being woken up by a huge crash. It was still dark so I have no idea what time it was, but I assume early morning. I sat up in bed and saw that I was surrounded by about 10 men with guns pointed at me. I was terrified. The man who had appeared at the door earlier in the evening approached me and began reading me my rights and then he put handcuffs on me. At this stage, I was standing in the middle of my bedroom in my pyjamas, still half asleep. I still wasn't entirely sure why I was being arrested.

One of the men then moved a gun with a torch on the end closer to my head, so the torch was shining brightly in my face. The plainclothes guy started asking me questions about whether I knew who Bubba Blair was, whether I knew about his gun, or the plan to kill John Key. I was so confused and just said "I don't know what you're talking about!" over and over.

The police then took me to the police station and charged me with harbouring a terrorist in my house. Honestly, I had no idea that David was a terrorist!