

**NOTE: PUBLICATION OF NAMES OR IDENTIFYING PARTICULARS OF  
COMPLAINANTS PROHIBITED BY S 139 OF THE CRIMINAL JUSTICE  
ACT 1985.**

**IN THE SUPREME COURT OF NEW ZEALAND**

**I TE KŌTI MANA NUI**

**SC 95/2019  
[2019] NZSC 154**

BETWEEN                      NICHOLAS PAUL ALFRED REEKIE  
   Applicant  
  
AND                              CLAIMANTS A & B  
   Respondents

Court:                      Winkelmann CJ, O'Regan and Ellen France JJ

Counsel:                      Applicant in person  
   No appearance for Respondents

Judgment:                      23 December 2019

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**JUDGMENT OF THE COURT**

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- A     The application for recall is allowed only to make the corrections identified at [6] below.**
- B     The judgment of this Court of 18 November 2019 (*Reekie v Claimants A & B* [2019] NZSC 127) is reissued with these corrections.**
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**REASONS**

[1]     On 18 November 2019, this Court dismissed the applicant's application for leave to appeal.<sup>1</sup> The proposed appeal concerned a decision of the Court of Appeal declining to grant an extension of time to file his case on appeal.<sup>2</sup> The Court also

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<sup>1</sup>     *Reekie v Claimants A & B* [2019] NZSC 127.

<sup>2</sup>     *Reekie v Claimants A & B* [2019] NZCA 398 (Clifford and Wild JJ).

declined to make a direction to the Department of Corrections (Corrections) to remove limits on Mr Reekie communicating with claimant A.

[2] The applicant has applied for recall of this Court's judgment. It is said that the Court erred in its judgment in adding at [7] of the judgment that there was "no real explanation as to why Mr Reekie did not file the minimal case on appeal outlined by the Court of Appeal at [11] of its judgment in the time set down by the Court in order to keep the appeal on foot".

[3] The Court of Appeal registry has confirmed that Mr Reekie did file the case on appeal within the time set and the appeal to that Court is on foot. The judgment will be recalled to correct this error. In all other respects, the judgment stands.

[4] To explain our approach to the application for recall we note that it now appears that Mr Reekie's challenge is to the Court of Appeal's refusal to make the direction to Corrections that Mr Reekie sought. The error as to the status of the appeal has no bearing on the application for leave to appeal in relation to that aspect. It remains the case that the proposed appeal is fact-specific and that we continue to see the question whether the direction should have been issued to Corrections as having insufficient prospects of success to justify an appeal to this Court. Indeed, the only impact of the error is to raise a question about the jurisdiction of this Court to hear the proposed appeal because it now transpires Mr Reekie had no reason to take issue with the Court of Appeal's decision in relation to the extension of time. However, we do not need to resolve that question.

[5] Apart from the correction just mentioned, there is nothing in the matters raised by Mr Reekie that require amendment of the judgment.

[6] The judgment of this Court is recalled and reissued to make the following corrections:

- (a) An addition to the final sentence of [1] as follows: "with a particular focus on the failure of the Court of Appeal to issue the direction sought".

- (b) The deletion of the fourth sentence in [7], namely, “We add in this respect that there is no real explanation as to why Mr Reekie did not file the minimal case on appeal outlined by the Court of Appeal at [11] of its judgment in the time set down by the Court in order to keep the appeal on foot.”